CHAPTER 16.0
PUBLIC HEALTH HAZARDS

This chapter describes the existing conditions pertaining to public health hazards and hazardous materials within the resource study area and discusses applicable regulatory framework related to federal, state, and local regulations. Hazardous materials include chemicals and other substances defined as hazardous by federal and state laws and regulations. In general, these materials include substances that, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may have harmful effects on public health or the environment during their use or when released to the environment. Hazardous materials also include waste chemicals and spilled materials. This chapter also evaluates the potential environmental consequences that could result from implementation of each alternative discussed in Chapter 2. This chapter specifically focuses on the threat of wildland fire, agricultural aerial spraying, worker safety, and the potential for hazardous materials spills during construction and operation of the proposed action.

Public and agency comments received during early public scoping (CPUC 2009) included concerns regarding impacts on human health and safety, including cancer and other health risks from electromagnetic fields (EMFs); potential for fire hazards; hazardous risks involving spraying of citrus trees; and potential blasting that would result in exposure to hazardous materials. Comments specifically related to EMF impacts are addressed in Chapter 1, Purpose and Need, and are not discussed in this chapter.

16.1 AFFECTED ENVIRONMENT

This section identifies the resources that could be affected by the proposed action. For the purposes of this analysis, the resource study area for direct effects comprises the HCP Permit Area plus a 1,000-foot buffer. For indirect effects, the affected environment is the HCP Permit Area plus a 2-mile radius. A 2-mile radius was chosen because this is the standard distance used by the California Department of Transportation (Caltrans), Division of Aeronautics, and conservatively exceeds the 0.25-mile consultation area for considering hazardous impacts to schools (per the California Public Resources Code).

The proposed alignment is located within northwestern Tulare County, California (the County), and traverses a small portion of the City of Visalia, California. Maintenance activities, such as brush clearance, occur in the existing right-of-way (ROW) in the north–south portion of the alignment.

Wildland Fire Hazards

The combination of highly flammable fuel, long dry summers, and moderate to steep slopes in Tulare County creates a natural hazard of wildland fires. Wildland fires can result in death,

injury, economic losses, and a large public investment in firefighting efforts. Woodlands and other natural vegetation can be destroyed resulting in the loss of timber, wildlife habitat, scenic quality, and recreation. Soil erosion, sedimentation of fisheries and reservoirs, and downstream flooding can also result. The threat of wildland fires increases as the terrain in the county becomes increasingly steep in the foothills and the mountains. The foothill areas in the eastern and northern portion of the county tend to have high and very high fire threats, as designated by the California Department of Forestry and Fire Protection (CalFIRE) (refer to Figure 10.2, Fire Threat, in County of Tulare 2012). Portions of the E–W alignment encroach on high fire threat areas. The existing N–S alignment is in urban areas or areas of moderate wildland fire hazard.

Fire suppression areas are divided into local responsibility areas and state responsibility areas. Local responsibility areas are generally incorporated cities and cultivated agriculture lands. Fire protection is typically provided by city fire departments, fire protection districts, counties, and by the state under contract to the local government. State responsibility area (SRA) is a legal term defining areas where the state has financial responsibility for fire prevention and suppression. Since July 1, 2007, Tulare County fire protection has been provided by the Tulare County Fire Department. Prior to July 1, 2007, fire protection was provided by CalFIRE. CalFIRE is also responsible for providing fire protection to the SRAs. In the Sequoia National Forest, the U.S. Forest Service is the responsible fire agency (County of Tulare 2010).

Agricultural Aerial Spraying

According to the California Agricultural Aircraft Association and the Federal Aviation Administration (FAA), aerial spraying (crop dusting) is conducted in the resource study area to control insects, weeds, and diseases (CPUC 2009). The preferred method for spraying permanent crops, such as the orchards that are the dominant crop types along the proposed alignment, is from the ground; however, there are certain circumstances that require spraying of permanent crops from the air, such as in the winter when orchards are too muddy to support ground-based spraying activities (CPUC 2009).

Where electric transmission lines exist in an agricultural area, pilots fly over, beside, and even under transmission lines to spray agricultural land with various products, usually pesticides. General civic aviators are required to distance themselves from the ground or other objects by at least 500 feet. However, crop dusters operate under a waiver that allows them to travel near power lines and close to the ground surface. Crop dusters fly as low as several feet above the ground surface while spraying, sometimes at speeds in excess of 100 miles per hour (CPUC 2009). Transmission line towers, poles, and conductors present a substantial obstacle to avoid, and therefore require additional attention from the pilots.

The high numbers of accidents associated with crop dusters can partly be attributed to flying at low altitudes and high speeds with the additional possibility of crashing into power lines, trees, towers, and sometimes buildings and mountainsides within the flight area. Many crop duster accidents are not reported unless they resulted in an injury or fatality. Of the nationwide crop dusting crashes reported through November 2008, 63% were a direct result of having struck a power line or an associated tower/pole (CPUC 2009).

In addition to aerial spraying, helicopters may be used for frost control in the orchards. Transmission lines may pose a hazard to helicopters engaged in agricultural activity in the resource study area (CPUC 2010).

Worker Safety

Persons working within the project site are at risk of electrical shock while working on energized facilities. There is also the potential for direct impacts on the public resulting from contact with energized equipment. However, impacts on non-project-related individuals associated with electrical transmission lines would be reduced by limiting access to the project site through the use of appropriate fencing and warning signs.

Hazardous Materials Handling

Materials and waste may be considered hazardous if they are poisonous (toxicity), can be ignited by open flame (ignitability), corrode other materials, or react violently, explode, or generate vapors when mixed with water (reactivity). The term "hazardous material" is defined in Section 25501(p) of the California Health and Safety Code as any material that, because of quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment." In some cases, past industrial or commercial uses on a site can result in spills or leaks of hazardous materials and petroleum to the ground, thus resulting in soil and groundwater contamination. Federal and state laws require that soils having concentrations of contaminants such as lead, gasoline, or industrial solvents that are higher than certain acceptable levels must be handled and disposed as hazardous waste during excavation, transportation, and disposal. The California Code of Regulations (CCR), Title 22, Section 66261.20-24 contains technical descriptions of characteristics that would cause soil to be classified as a hazardous waste. The use of hazardous materials and disposal of hazardous wastes are subject to numerous laws and regulations at all levels of government.

Pursuant to Government Code 65962.5, environmental regulatory database lists were reviewed to identify and locate properties within known hazardous substance contamination within the HCP Permit Area (California Government Code, Section 65960 et seq.). A review of the Department of Toxic Substance Control's Hazardous Waste and Substances List – Site Cleanup (Cortese

List) indicates that identified hazardous material sites are located in the City of Visalia, City of Porterville, City of Pixley, City of Orosi, and City of Dinuba within Tulare County. Therefore, there are no known sites with contamination that would affect the proposed action.

16.2 IMPACT ANALYSIS REGULATORY FRAMEWORK

Federal Regulations

The following federal regulations pertaining to public health hazards would apply to the proposed action.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration's (OSHA's) mission is to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. The OSHA staff establishes and enforces protective standards, and reaches out to employers and employees through technical assistance and consultation programs. OSHA standards are listed in Title 29 Code of Federal Regulations (CFR) Part 1910. See the California Occupational Safety and Health Administration (Cal/OSHA) regulations (derived from federal regulations) pertaining to public health hazards that would apply to the proposed action.

Federal Hazardous Materials Regulations (49 U.S.C. 1501 et seq.)

These sections identify the required shipping papers, package marking, labeling, transport vehicle placarding, training, and registrations applicable to the shipment and transportation of hazardous materials.

Several federal agencies regulate hazardous materials. These include the Environmental Protection Agency (EPA), OSHA, and the Department of Transportation. Applicable federal regulations are contained primarily in Titles 10, 29, 40, and 49 of the CFR. In particular, Title 49 of the CFR governs the manufacture of packaging and transport containers, packing and repacking, labeling, and the marking of hazardous material transport. Some of the major federal laws and issue areas include the following statutes:

- Resource Conservation and Recovery Act – hazardous waste management
- Hazardous and Solid Waste Amendments Act – hazardous waste management
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) – cleanup of contamination

- Superfund Amendments and Reauthorization Act (SARA) – cleanup of contamination
- Emergency Planning and Community Right-to-Know (SARA Title III) – business inventories and emergency response planning
- Hazardous Substances Act – (codified at 15 U.S.C. Sections 1261−1278) requires that certain hazardous household products ("hazardous substances") bear cautionary labeling to alert consumers to the potential hazards that those products present and to inform them of the measures they need to protect themselves from those hazards.

The EPA is the primary federal agency responsible for the implementation and enforcement of hazardous materials regulations. In most cases, enforcement of environmental laws and regulations established at the federal level is delegated to state and local environmental regulatory agencies.

Federal Aviation Administration

Pursuant to 14 CFR 77, Safe, Efficient Use and Preservation of the Navigable Airspace, the FAA has an obstruction evaluation process to evaluate, mitigate, or eliminate the impact of tall towers and other obstructions to airspace. Potential obstructions include tall structures on or near airports, and any construction or alteration exceeding 200 feet above ground level. Potential obstructions are submitted to the FAA for a determination of hazard/no hazard.

State Regulations

Primary state agencies with jurisdiction over public health hazards and hazardous chemical materials management are the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board (RWQCB). Other state agencies involved in hazardous materials management are the Department of Industrial Relations (State OSHA implementation), Office of Emergency Services (OES–California Accidental Release Prevention Implementation), California Department of Fish and Wildlife (CDFW), California Air Resources Board (CARB), Caltrans, State Office of Environmental Health Hazard Assessment (OEHHA–Proposition 65 implementation), and the California Integrated Waste Management Board (CIWMB).

The enforcement agencies for hazardous materials transportation regulations are the California Highway Patrol and Caltrans. Hazardous materials and waste transporters are responsible for complying with all applicable packaging, labeling, and shipping regulations. San Joaquin Valley Air Pollution Control District Rule 4002, which implements the National Emission Standard for Hazardous Air Pollutants for asbestos as related to demolition and renovation activities, and Construction Safety Orders 1529 (pertaining to asbestos) and 1532.1 (pertaining to lead) from Title 8 of the CCR govern activities that may release asbestos or lead to the environment.

Hazardous chemical and bio-hazardous materials management laws in California include the following statutes:

- Hazardous Materials Management Act – requires that businesses handling or storing certain amounts of hazardous materials prepare a Hazardous Materials Business Plan, which includes an inventory of hazardous materials stored on site (above specified quantities), an emergency response plan, and an employee training program.
- Hazardous Waste Control Act – (California Health and Safety Code, Division 20, Chapter 6.5, Article 2, Section 25100, et seq.) authorizes the DTSC and local certified unified program agencies to regulate facilities that generate or treat hazardous waste.
- Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) – requires the governor to publish and update, at least annually, a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm, and to inform citizens about exposures to such chemicals.
- Hazardous Waste Management Planning and Facility Siting – also known as the Tanner Act (Assembly Bill (AB) 2948, 1986), requires counties to prepare, for California DTSC approval, hazardous waste management plans, and prescribes specific public participation activities, which must be carried out during the local land use permit process for siting new or expanding off-site commercial treatment, storage, and disposal facilities.
- Hazardous Materials Storage and Emergency Response (AB 2185) – requires the immediate reporting to local fire departments and OES of any release or threatened release of a hazardous material, regardless of the amount handled by the business.
- California Medical Waste Management Act (California Health and Safety Code, Sections 117600–118360) – establishes procedures for the proper handling, storage, treatment, and transportation of medical waste.
- Land Disposal Restrictions (CCR, Chapter 18, Title 22) – set up by Congress in 1984 for the EPA; ensures that toxic constituents present in hazardous waste are properly treated before hazardous waste is land disposed.

State regulations and agencies pertaining to hazardous materials management and worker safety are described as follows.

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) has broad jurisdiction over hazardous materials management in the state. Within CalEPA, DTSC has primary regulatory responsibility for hazardous waste management and cleanup. Enforcement of regulations has been delegated to

local jurisdictions that enter into agreements with DTSC for the generation, transport, and disposal of hazardous materials under the authority of the Hazardous Waste Control Law.

Along with the DTSC, the RWQCB is responsible for implementing regulations pertaining to management of soil and groundwater investigation and cleanup. RWQCB regulations are contained in Title 27 of the CCR. Additional state regulations applicable to hazardous materials are contained in Title 22 of the CCR. Title 26 of the CCR is a compilation of those sections or titles of the CCR that are applicable to hazardous materials.

Investigation and Cleanup of Contaminated Sites

The oversight of hazardous materials release sites often involves several different agencies that may have overlapping authority and jurisdiction. The DTSC and RWQCB are the two primary state agencies responsible for issues pertaining to hazardous materials release sites. Air quality issues related to remediation and construction at contaminated sites are also subject to federal and state laws and regulations that are administered at the local level.

Investigation and remediation activities that would involve potential disturbance or release of hazardous materials must comply with applicable federal, state, and local hazardous materials laws and regulations. DTSC has developed standards for the investigation of sites where hazardous materials contamination has been identified or could exist based on current or past uses. The standards identify approaches to determine if a release of hazardous wastes/substances exists at a site and delineates the general extent of contamination; estimates the potential threat to public health and/or the environment from the release and provides an indicator of relative risk; determines if an expedited response action is required to reduce an existing or potential threat; completes preliminary project scoping activities to determine data gaps; and identifies possible remedial action strategies to form the basis for development of a site strategy.

Government Code Section 65962.5

Pursuant to Government Code Section 65962.5, environmental regulatory database lists were reviewed to identify and locate properties with known hazardous substance contamination within the proposed project area (California Government Code, Section 65960 et seq.). Four state agencies are required to provide lists of facilities that have contributed, harbor, or are responsible for environmental contamination within their jurisdiction. The four state agencies that are required to provide these lists to the Secretary for Environmental Protection include the DTSC, the State Department for Health Services (DHS), the State Water Resources Control Board (SWRCB), and the CIWMB. The Secretary for Environmental Protection then takes each of the four respective agency lists and forms one list, referred to as the Hazardous Waste and Substances Site List – Site Cleanup (Cortese List), which is made available to every city and/or county in California (DTSC 2007).

The DTSC maintains lists of hazardous waste facilities subject to corrective action pursuant to the Section 25187.5 of the Health and Safety Code, land designated as hazardous waste property or border zone property pursuant to Article 11 of Chapter 6.5 of Division 20 of the Health and Safety Code, information received by DTSC pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposal on public land, sites listed pursuant to Section 25356 of the Health and Safety Code, and sites on the Abandoned Site Assessment Program. DTSC also maintains records of hazardous waste disposals on public land.

The DHS maintains lists of all public drinking water wells that contain detectable levels of organic contaminants and wells that are subject to special water analysis. The SWRCB maintains lists of unauthorized release reports for underground storage tanks pursuant to Section 25295 of the Health and Safety Code, solid waste disposal facilities from which there are a migration of hazardous waste, and all cease-and-desist orders issued after January 1, 1986, concerning hazardous waste discharges. The CIWMB maintains lists of solid waste disposal facilities from which there is a known migration of hazardous waste. The Hazardous Waste and Substances List has been reviewed to identify hazardous sites that may affect the proposed action, none of which are located within the proposed action's resource study area.

California Health and Safety Code Section 25501

California law defines a hazardous material as any material that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a present or potential hazard to human health and safety or to the environment if released in the workplace or the environment (California Health and Safety Code Section 25501).

California Public Utilities Commission General Order 95 and California Public Utilities Commission General Order 165

California Public Utilities Commission (CPUC) General Order 95 discusses overhead electric line construction and CPUC General Order 165 specifies inspection cycles for electric distribution facilities.

California Public Resources Code Sections 4292 and 4293

For transmission or distribution lines over 750 volts, Public Resources Code (PRC) Section 4292 states that any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for fire protection of such areas, maintain around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole, a

firebreak which consists of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower.

For transmission or distribution lines over 750 volts, PRC Section 4293 states that any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the director or the agency which has primary responsibility for the fire protection of such areas, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current:

(a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, 4 feet.

(b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, 6 feet.

(c) For any line which is operating at 110,000 or more volts, 10 feet.

In every case, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or conductor when the adjacent air temperature is 120° Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease, and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The director or the agency which has primary responsibility for the fire protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

A clearing to obtain line clearance is not required if self-supporting aerial cable is used, and no clearing on any land shall be required if such person does not have the legal right to maintain such clearing.

California Department of Forestry and Fire Protection

The California PRC includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that has an internal combustion engine; specify requirements for the safe use of gasoline-powered tools in fire hazard areas; and specify fire suppression equipment that must be provided on site for various types of work in fire-prone areas. The PRC requirements would apply to construction activities in any areas designated by the California Department of Forestry and Fire Protection (CalFIRE) as susceptible to wildland fire threat.

California Occupational Safety and Health Administration

Cal/OSHA and the federal OSHA are the agencies responsible for assuring worker safety in the handling and use of chemicals in the workplace. Pursuant to the Occupational Safety and Health Act of 1970, the federal OSHA has adopted numerous regulations pertaining to worker safety, contained in Title 29 of the CFR. These regulations set standards for safe workplaces and work practices, including standards relating to hazardous material handling. Cal/OSHA assumes primary responsibility for developing and enforcing state workplace safety regulations. Because California has a federally approved OSHA program, it is required to adopt regulations that are at least as stringent as those identified in 29 CFR. Cal/OSHA standards are generally more stringent than federal regulations.

Cal/OSHA regulations concerning the use of hazardous materials in the workplace, as detailed in Title 8 of the CCR, include requirements for safety training, availability of safety equipment, accident and illness prevention programs, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces hazard communication program regulations that contain training and information requirements, including procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and the preparation of health and safety plans to protect workers and employees at hazardous waste sites. The hazard communication program requires that Material Safety Data Sheets be available to employees and that employee information and training programs be documented.

Local Regulations

The following local regulations pertaining to public health hazards would apply to the proposed action.

Tulare County General Plan

The Health and Safety Element of the Tulare County General Plan provides objectives, policies, and programs regarding public health, including the following:

Goal HS-1: To protect County residents and visitors from injury and damage resulting from natural catastrophes, man-made events, and hazardous conditions.

Policy HS-1.3: **Hazardous Lands.** The County shall designate areas with a potential for significant hazardous conditions for open space, agriculture, and other appropriate low intensity uses.

Policy HS-1.9: **Emergency Access.** The County shall require, where feasible, road networks (public and private) to provide for safe and ready access for emergency equipment and provide alternate routes for evacuation.

Goal HS-4: To protect residents, visitors, and property from hazardous materials through their safe use, storage, transport, and disposal.

Policy HS-4.1: **Hazardous Materials.** The County shall strive to ensure hazardous materials are used, stored, transported, and disposed of in a safe manner, in compliance with local, State, and Federal safety standards, including the Hazardous Waste Management Plan, Emergency Operations Plan, and Area Plan.

Policy HS-4.2: **Establishment of Procedures to Transport Hazardous Waste.** The County shall continue to cooperate with the California Highway Patrol to establish procedures for the movement of hazardous wastes and explosives within the County.

Goal HS-6: To minimize the exposure of County residents, visitors, and public and private property to the effects of urban and wildland fires.

Policy HS-6.3: **Consultation with Fire Service Districts.** The County shall consult the appropriate fire service district in areas identified as subject to high and extreme fire hazard, for particular regulations or design requirements prior to issuance of a building permit or approval of subdivisions.

Policy HS-6.10: **Fuel Breaks.** In the Foothill and Mountain Plan Areas, the County shall require fuel breaks of at least 100 feet around structures that are in a wildland fire area to limit the risk of fires and property loss. Secondary fuel breaks up to 200 feet in width shall be required when the County Fire Chief finds that additional precautions are necessary.

Policy HS-6.11: **Fire Buffers.** The County shall strive to maintain fire buffers along heavily traveled roads within high and extreme hazard zones by thinning, disking or controlled burning. Parks, golf courses, utility corridors, roads, and open space areas shall be encouraged to locate so they serve a secondary function as a fuel break.

Goal PFS-5: To ensure the safe and efficient disposal and recycling of solid and hazardous waste generated in the County.

Policy PFS-5.8: The County shall require the proper disposal and recycling of hazardous materials in accordance with the County's Hazardous Waste Management Plan.

Hazardous Waste Management Plan

The Tulare County Hazardous Waste Management Plan (HWMP) was adopted by the Board of Supervisors in May of 1989. The HWMP contains descriptive background information and policy guidance for current hazardous waste generation, projected hazardous waste generation to the year 2000, capacity analyses, hazardous waste reduction, siting of hazardous waste management facilities, hazardous waste transportation, underground storage tank regulations, disclosure information on contaminated sites, and asbestos and infectious waste. The HWMP also includes programs for hazardous waste management, enforcement, inspection and monitoring, small quantity generators, household hazardous wastes, and implementation (County of Tulare 2010).

Tulare County Multi-Hazard Functional Plan

Tulare County has prepared a Multi-Hazard Functional Plan to serve as the County's emergency response plan. The plan addresses responses to various emergency incidents, responsibilities of various agencies, and sources of outside assistance (County of Tulare 2010). The County is in the process of developing a Multi-Jurisdictional Local Hazard Mitigation Plan (LHMP). The LHMP is in final draft form, pending state review (County of Tulare 2013a).

Tulare County Fire Department

All applicants in the County that seek to use blasting as a method to prepare a site for construction activities must obtain a permit from the Tulare County Fire Department. Blasting contractors must provide 24-hour notice to the department prior to blasting, and the blaster must have a certificate of eligibility and a blasting license (CPUC 2009).

Tulare County Health and Human Services Agency

The Tulare County Health and Human Services Agency encompasses the OES and the Environmental Health Division, in addition to other public health functions. The OES develops and implements hazard mitigation plans (see above). Environmental Health oversees hazardous materials, acting as the Certified Unified Program Agency (CUPA); oversees solid waste facilities as the Local Enforcement Agency (LEA); and is responsible for protection of the public water system, including construction and abandonment of groundwater wells (County of Tulare 2013b).

City of Visalia General Plan

The Safety Element of the City's General Plan provides goals regarding fire and hazards, including the following:

Goal 1: To reduce the loss of life due to crime, fire, earthquakes, flooding, and other disasters, natural and man-made.

Goal 2: To reduce the damage or loss of personal property due to crime, fire, earthquakes, flooding, and other disasters, natural and man-made.

Goal 3: To protect and enhance the natural environment by reducing the level of hazard from natural and man-made causes, such as fires, flooding, and criminal or negligent activity.

Goal 9: To protect the health, safety, and welfare of residents and to work with them in resolving problems of health and safety.

City of Visalia General Plan Draft Elements Part 2

The hazardous materials section of the City's General Plan Update Draft Elements Part 2 document provides objectives and policies regarding fire and hazards, including the following:

Objective S-O-3: Protect soils, surface water, and groundwater from contamination from hazardous materials.

Policy S-P-15: Require remediation and cleanup of sites contaminated with hazardous substances.

Policy S-P-16: The level of remediation and cleanup will be determined based on the intended use and health risk to the public. At the minimum, remediation will be in compliance with federal and State standards. Clean up shall be required in conjunction with new development, reconstruction, property transfer of ownership, and/or continued operation after the discovery of contamination.

City of Visalia Code, Chapter 8.32 – Hazardous Materials

Chapter 8.32 of the City of Visalia's Code specifies a scene management in the event of a hazardous material release.

16.3 ENVIRONMENTAL CONSEQUENCES

16.3.1 Methodology for Impact Analysis

The project setting was developed by reviewing available information on public health hazards in the project vicinity. A review of the DTSC's Hazardous Waste and Substances List – Site Cleanup (Cortese List) was used to identify hazardous material sites within the project area, and a review of the Limited Environmental Soil Characterization report prepared by TDBU Geotechnical Engineering Group and dated April 17, 2012, was used to determine quality of soil within the HCP Permit Area.

The HCP Permit Area was compared to mapped fire hazard risk (County of Tulare 2012). Project design information was reviewed to determine risks involving electrical shock, accidents involving the general public, and obstruction of navigational airspace.

Identifying the Threshold of Significance

For the purposes of this Environmental Assessment (EA), an alternative would have a significant impact related to public health hazards if it would:

- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires
- Cause electrical shock and accidents
- Cause accidents involving the general public
- Create an airspace obstruction that would increase the risk to persons on the ground or in the air
- Result in potential hazardous materials spills or creation of a hazard through use of hazardous materials
- Encounter hazardous materials during construction.

16.3.2 No Action Alternative

Direct and Indirect Effects

Under the No Action Alternative, the proposed HCP and Covered Activities would not be implemented, and existing public health hazard conditions would not be affected by development of a transmission line in the HCP Permit Area. Ongoing operation and maintenance for the Big Creek Rebuild would continue. Activities such as brush maintenance would continue. Application of existing regulations would minimize the risk of wildfire or of accidents to workers or the public. Risk of discovery of contamination would be minimal, as no excavation or

grading would occur. Risk of accidental spill would be related to maintenance activities, due to the routine use of gasoline, diesel fuel, motor oil, hydraulic fluids and lubricants, paints, solvents, adhesives, and cleaning chemicals. The application of existing regulation and Southern California Edison (SCE) practices would minimize the risk of accidental spill. Given the small scale of activities, were a spill to occur, it would have a negligible impact on public health.

Hazardous materials associated with ongoing agricultural production activities may include fertilizers, pesticides, herbicides, or insecticides. The use of these materials in accordance with existing regulations and manufacturers' recommendations is not expected to create a substantial risk.

As the No Action Alternative would not result in new or changed alignments of the transmission lines, the risk to aerial spray applicators or frost control helicopters would not increase from the existing condition.

Past rural activities such as agricultural operations have resulted in hazardous waste sites from soil contamination from the use of fertilizers, pesticides, herbicides, or insecticides; storage tanks; and other petroleum products and materials. Impacts related to hazards and hazardous materials are generally site-specific resulting from an operation of a business or property use. It is expected that future projects within the area will generally comply with federal, state, and local statutes and regulations applicable to hazardous materials.

Future activities that would occur under the No Action Alternative include urban development, rural development, capital improvement projects, and operation and maintenance (O&M) activities. Future projects would be addressed by the California Environmental Quality Act (CEQA) on a case-by-case basis and would be analyzed for its compliance to local plans and policies. Individual development projects would assess its potential for accidental wildland fires from construction and operation activities. Projects would be required to implement best management practices (BMPs) to limit the risk of wildland fires and protect the safety of construction workers under OSHA, as well as protect the general public.

Hazardous materials are typically used during construction. There is the potential for incidents involving the release of hazardous materials. The most likely incidents involving construction-related hazardous materials are generally associated with minor spills or drips. The risk of a small fuel or oil spill is considered likely but would have a negligible impact on public health. All hazardous materials would be stored, handled, and disposed of according to manufacturer's recommendations, and any spills would be cleaned up in accordance with existing regulations. In addition, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared for construction sites over 1 acre in size. The SWPPP would incorporate BMPs for the transport, storage, use, and disposal of hazardous materials to prevent the release of hazardous materials into the environment.

Operation of future development could also involve the use of hazardous materials or petroleum products. Proponents of these projects would be required to comply with all applicable federal, state, and local regulations relating to hazardous materials and petroleum products.

Determination

Under the No Action Alternative, the proposed HCP and Covered Activities would not be implemented and public health and hazards would not be affected by transmission line construction and operation in the HCP Permit Area. Future conditions would include construction activities related to planned urban development and infrastructure. These activities include some risk related to the use of hazardous materials and accidental discovery of past contamination. While urban development reduces wildland fire hazards (by eliminating land cover prone to wildfire), the development of rural residential uses may expose additional population and property to the risk of wildland fire hazards. However, these effects are considered minimal. Compliance with existing land use plans for future development and compliance with federal, state, and local regulations would reduce any adverse effects associated with hazards under the No Action Alternative.

16.3.3 Proposed Action Alternative

Direct and Indirect Effects

The proposed action would result in construction activity, the permanent placement of new transmission lines, and ongoing maintenance activities within the HCP Permit Area. This could result in direct effects within the resource study area and indirect effects as described below.

Impact PH-1: Expose people or structure to a significant risk of loss, injury, or death involving wildland fires.

As described in the setting, portions of the E–W alignment encroach on high fire threat areas. Construction activity, including heat or sparks from construction equipment, could increase the risk of a wildland fire, particularly during dry, hot, and/or windy weather conditions. This is a direct, temporary, adverse effect. Implementation of proper procedures, described in Environmental Commitment (EC) PH-1, would minimize the increase in wildfire risk.

The presence of power lines and energized electrical equipment can also pose a wildland fire risk (CalFire 2008). However, the maintenance of proper clearances and fire breaks, as required by CPUC General Orders 95 and 165 serve to minimize this risk. As the CPUC has jurisdiction over the proposed transmission lines, these regulations would be in effect.

Environmental Commitments

EC PH-1: Fire Control Measures. All internal or external combustion engine equipment operated on any timber-, brush- or grass- covered land, including trails traversing such land, shall have a spark arrester, maintained in effective working order, meeting either (i) Department of Agriculture, Forest Service Standard 5100-la; or (ii) the 80% efficiency level determined according to the appropriate Society of Automotive Engineers recommended Practices J335 and J350.

SCE and/or its contractors shall have water tanks and/or water trucks sited/available in the project area for fire protection. All construction and maintenance vehicles shall have fire suppression equipment. Construction personnel shall be required to park vehicles away from dry vegetation. Prior to construction, SCE shall contact and coordinate with the California Department of Forestry (CalFire) and applicable local fire departments (i.e., Tulare County, City of Visalia) to determine the appropriate amounts of fire equipment to be carried on the vehicles and appropriate locations for the water tanks if water trucks are not used. SCE shall submit verification of its consultation with CalFire and the local fire departments to the CPUC.

(This measure corresponds to Mitigation Measure 4.7-8 (CPUC 2010).)

Determination

With the implementation of EC PH-1, the application of standard regulations (CPUC General Orders), and implementation of the Standard Planning-Design Measures in Table 2-2 of the HCP (specifically measures C-7 and C-8), the direct and indirect effects to wildland fire risk would not be considered a significant adverse effect.

Impact PH-2: Electrical shock and accidents.

The presence of power lines and energized electrical equipment may create a risk of electrical shock to workers and the public (usually related to unauthorized access). Transmission lines are designed to limit the short circuit current to a safe level of less than 5 milliampere (CPUC 2010). To further limit this effect, SCE will identify conductive objects within and adjacent to the ROW and ground per SCE standards. This mitigation is identified as EC PH-2a.

Mobile equipment brought into contact or proximity with the power line or energized electrical equipment could create a more dangerous situation. For SCE workers, property procedures are in place to minimize the risk. For the public, the maintenance of wells could bring mobile equipment into proximity with the transmission line. In order to avoid this possibility, EC PH-2b is identified, below.

During the construction phase, measures would be put into place to ensure that transmission lines would not come into contact with ROWs or waterways during tensioning and electrification. Typical guard structures are composed of 60- to 80-foot-tall wood poles. SCE would temporarily install two to four 29-foot-tall poles on either side of a facility, infrastructure, or waterway crossing when installing the power lines.

Environmental Commitments

EC PH-2a: As part of the siting and construction process, SCE shall identify objects, such as fences, metal buildings, and pipelines, that are within and near the ROW that have the potential for induced voltages and shall implement electrical grounding of metallic objects in accordance with SCE's standards. The identification of objects that have the potential for induced voltages shall document the threshold electric field strength and metallic object size at which grounding becomes necessary.

(This measure corresponds to Mitigation Measure 4.7-11a (CPUC 2010).)

EC PH-2b: Prior to construction, SCE shall coordinate with affected property owners to conduct an inventory of the groundwater wells (including wagon-wheel type wells) that are within the proposed ROW. To the extent feasible, SCE shall adjust the proposed ROW such that the centerline of the ROW shall be no closer than 50 linear feet from any existing well. Where adjusting the ROW is not feasible (either technically or economically), SCE shall proceed as follows:

Wagon-Wheel Wells. It would not be feasible to, and Cal/OSHA regulations would not permit one to, install or relocate a wagon-wheel type well. For this reason, SCE shall adjust the spacing and/or height of adjacent tower or pole structures to provide sufficient vertical clearance such that well maintenance activities may be safely conducted on any wagon-wheel well within the ROW. Safe working clearances shall be determined as identified in Cal/OSHA Title 8 of the California Code Section 2946, considering the maximum line sag at the well location(s), as well as the minimum height of equipment (e.g., boom trucks) that would be required to perform well maintenance activities.

Other Groundwater Wells. Using the working clearances identified in Cal/OSHA Title 8 of the CCR Section 2946, and considering the minimum height of equipment (e.g., boom trucks) that would be required to perform maintenance activities as well as the maximum line sag at the well locations, SCE shall identify wells that would not have the required minimum ground clearance to safely perform any necessary well maintenance and that could not be provided with adequate vertical clearance by adjusting the spacing and/or height of adjacent

tower or pole structures. For those wells where adequate vertical clearance is not feasible (either technically or economically), SCE shall engage a well driller licensed in the State of California (C-57 Well Driller's License) to relocate those identified wells to another location.

Prior to well relocation, it shall be demonstrated that the new location is capable of producing water of equal quantity and quality. For the existing well, a steady-state pump test shall be conducted, once in February or March and once in early October (prior to well relocation), to determine the existing average yield of the well. Also, water quality testing of the existing well shall be performed after each of the pump tests. Measured water quality parameters shall include pH, total suspended solids (TSS), total dissolved solids (TDS), and nitrates. Equivalent water quantity and quality testing (i.e., same tests, performed once in February or March and once in early October) shall be performed, using a properly installed, temporary monitoring well, at the new prospective well location. The average yield and water quality at the new prospective well location shall be at least equal to (if not better than) the existing well location; such a comparison shall be made based upon the testing specified in this mitigation measure. If the yield and quality at the new prospective well location are demonstrated to be at least equivalent to the existing well location, then a permanent well shall be installed at the new location; otherwise, a new prospective well location shall be identified and the same testing procedures shall be repeated until an adequate location is identified. All testing shall be conducted or overseen by a California-registered hydrogeologist. A report summarizing all water quantity and quality testing shall be submitted by a California-registered hydrogeologist to the California Public Utilities Commission and otherwise be made publicly available. The report shall include a detailed description of testing approach, methodology, duration, and results. Abandonment of existing wells shall be conducted in accordance with all applicable well standards. All wells shall be relocated prior to electrifying the transmission line.

(This measure corresponds to Mitigation Measure 4.7-11b (CPUC 2010).)

Determination

With the implementation of ECs PH-2a and PH-2b, the risk of electrical shock would be substantially reduced and would not be considered a significant adverse effect.

Impact PH-3: Accidents involving the general public.

Other than the risks related to electrical shock, described in Impact PH-2, the primary risk to the public would be related to construction activity. Clear areas would provide safety to the public during the installation of towers and transmission lines. Guard structures, described in Impact PH-2, would primarily provide protection against electric shock but would also provide protection at public rights of way.

Construction could involve blasting to clear large rock from access roads during rough grading. Under SCE supervision, licensed personnel would conduct blasting using commercial explosives. All blasting and associated work areas would be in the footprint of new access roads and the work areas delineated for road construction. Equipment used for blasting will include truck-mounted or tracked drills and support trucks. Blasting personnel will drill small-diameter holes and place explosives in them to minimize ground vibration outside of the immediate vicinity of the explosion. Flying rock and air blast are mitigated by covering the entire blast site with steel plates that in turn are covered in dirt.

Environmental Commitments

EC PH-3: A Blasting Safety Plan for construction shall be submitted to and approved by the CPUC and Tulare County Fire Department prior to construction that includes, at a minimum, the following:

- Description of means for transportation and on-site storage and security of explosives in accordance with local, state, and federal regulations
- Minimum acceptable weather conditions for blasting and safety provisions for potential stray current (if electric detonation)
- Traffic control standards and traffic safety measures (see also EC TRA-2)
- Requirement for provision and use of personal protective equipment
- Minimum standoff distances and description of blast impact zones and procedures for clearing and controlling access to blast danger
- Procedures for handling, setting, wiring, and firing explosives, and procedures for handling misfires per federal code
- Type and quantity of explosives and description of detonation device. Sequence and schedule of blasting rounds, including general method of excavation, lift heights, etc.
- Methods of matting or covering of blast area to prevent flyrock and excessive air blast pressure

- Dust control measures in compliance with applicable air pollution control regulations (to interface with general construction dust control plan)
- Emergency Action Plan to provide emergency telephone numbers and directions to medical facilities, as well as procedures for action in the event of injury.
- Material Safety Data Sheets for each explosive or other hazardous materials to be used
- Evidence of licensing, experience, and qualifications of blasters
- Description of insurance for the blasting work.

(This measure corresponds to Mitigation Measure 4.7-2 (CPUC 2010).)

Determination

With the implementation of EC PH-3, the risk to the public from blasting activity would be minimized, and potentially adverse effects would not be adverse.

Impact PH-4: Create an airspace obstruction that would increase the risk to persons on the ground or in the air.

As described in the setting, aircraft are used for agricultural spraying in the area, along with frost control activities by helicopters. Transmission lines are a potential navigational hazard for aerial applicators. The proposed action would introduce lines to fields and orchards which currently do not have them, in the —E–W corridor in particular. The proposed action would result in approximately 23 miles of new 120~~-foot to~~ 160-foot poles/towers and conductors, including 12.2 miles of a new —E–W alignment. While these towers are below the normal 200-foot height that would of concern to the FAA, they may pose a hazard given the nature of aerial applications in the resource study area. Because of the infrequent nature of aerial spraying in the resource study area, pilots may fly over agricultural fields that they have not been to in 6 months or longer. In those cases, pilots could have no previous knowledge that a new transmission line and towers have been constructed, which creates an increased danger for pilots. To ensure pilot notification of the new transmission line, the following ECs shall be implemented.

Environmental Commitments

EC PH-4: SCE shall consult with landowners to determine which aerial applicators and helicopter pilots that offer frost protection cover agricultural parcels within 1 mile of the transmission line ROW. SCE shall provide written notification to all aerial applicators and helicopter pilots that offer frost protection stating when the new transmission line and towers would be erected. SCE shall also provide all aerial applicators and helicopter pilots that offer frost protection that operate

in the area with recent aerial photos or topographic maps clearly showing the location of the new lines and towers, as well as all existing SCE lines and towers within 5 miles on either side of the corridor. The photos or maps shall also indicate the heights of the towers and conductors. SCE shall provide documentation of compliance to the CPUC.

(This measure corresponds to Mitigation Measure 4.7-6 (CPUC 2010).)

Determination

With the implementation of EC PH-4, the safety hazards related to aerial applicators and frost control aircraft would be minimized. The adverse effects related to airspace obstruction would not be adverse.

Impact PH-5: Result in potential hazardous materials spills or creation of a hazard through use of hazardous materials.

Hazardous Materials, including petroleum products (gasoline, diesel, oil), solvents, and hydraulic fluid would be used for the operation and maintenance of construction equipment. Temporary bulk aboveground storage tanks and 55-gallon drums may be used for fueling and maintenance purposes. As with any liquid, during handling and transfer from one container to another, the potential for an accidental release would exist. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose a hazard to construction workers and the public, as well as to the environment. Therefore, since construction activities would involve use, storage, disposal, and/or transport of significant quantities of hazardous materials, the proposed action could result in an adverse direct effect on the environment. Standard precautions and BMPs incorporated into the ECs would lower the risk of a spill and implement proper cleanup procedures.

Environmental Commitments

EC PH-5a: SCE and/or its contractors shall implement construction best management practices including, but not limited to, the following:

- Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction
- Avoid overtopping construction equipment fuel gas tanks
- Use tarps and adsorbent pads under vehicles when refueling to contain and capture any spilled fuel

- During routine maintenance of construction equipment, properly contain and remove grease and oils
- Properly dispose of discarded containers of fuels and other chemicals.

(This measure corresponds to Mitigation Measure 4.7-1a (CPUC 2010).)

EC PH-5b: SCE shall prepare a Hazardous Substance Control and Emergency Response Plan (Plan) and implement it during construction to ensure compliance with all applicable federal, state, and local laws and guidelines regarding the handling of hazardous materials. The Plan shall prescribe hazardous material handling procedures to reduce the potential for a spill during construction, or exposure of the workers or public to hazardous materials. The Plan shall also include a discussion of appropriate response actions in the event that hazardous materials are released or encountered during excavation activities. The Plan shall be submitted to the CPUC for review and approval prior to the commencement of construction activities.

(This measure corresponds to Mitigation Measure 4.7-1b (CPUC 2010).)

Determination

With the implementation of ECs PH-5a and EC PH-5b, the safety hazards related to accidental hazardous materials spills would be minimized. The adverse effects related to health hazards would not be adverse.

Impact PH-6: Encounter hazardous materials during construction.

The project involves grading and excavation, which could result in the discovery of previous contamination. Although a records search did not identify any hazardous materials within the HCP Permit Area (see Section 16.1), the possibility of unidentified contamination remains. The history of agricultural use and transportation corridors, including railroads and roadways, in the resource study area indicates there is a possibility, however unlikely, of accidentally encountering hazardous materials during construction. Implementation of proper procedures would minimize this risk.

Determination

With the implementation of EC PH-5b, the safety hazards related to accidental discovery of contamination would be minimized. The adverse effects related to health hazards would not be adverse.

Cumulative Effects of the Proposed Action

The proposed action would add the implementation of the HCP and Covered Activities to the cumulative effects described in Section 16.3.2.

Future development would cumulatively affect the risk factors for wildland fire hazards. While urbanized development has the effect of reducing the landscape covers and vegetation that contribute to wildland fires, the development of very low density, rural residential development in at-risk areas could result in more residents and structures being exposed to wildland fire hazards. The proposed action would not introduce residents to these risks, and includes measures to protect the transmission lines, and to prevent the transmission lines from contributing to hazardous wildland fire conditions. Because these measures would be implemented, the combined and interactive effect of the project with future conditions would not result in an adverse cumulative effect.

The existing transmission line, Big Creek Corridor, implements the same precautions and is bound by the same CPUC regulations regarding risk of electrical shock. The proposed action would potentially improve cumulative conditions by resurveying the HCP Permit Area for risk and clearing any past vegetation that may pose a risk.

The non-electrical risks to the public of the proposed action are, for the most part, temporary in nature, related to construction. As the overlap with other past, present, and probable future conditions is expected to be minimal (the time frame for construction of the proposed action is relatively soon compared to other potential development in the County), the cumulative risk is not substantial.

Cumulative development can have a negative effect on airspace; however, this is generally true only in close proximity to airports. The proposed action is not within 2 miles of a public airport (the normal distance for compatibility evaluations). The risk related to aerial applications is related to tall structures, particularly tall linear structures, in active agricultural areas. No similar structures are anticipated within the resource study area, and an adverse cumulative effect would not result.

Past, present, and reasonably foreseeable projects may increase the overall use of hazardous materials within the resource study area. However, the intensity of these uses tend vary with time (more use during construction phases), and by project (industrial projects, for example, involve more hazardous material usage than residential or commercial uses). Ongoing hazardous material use from the proposed transmission line would be minimal, limited primarily to annual or biannual inspection and maintenance activities. Other development would occur within the resource study area over time, but uses within the HCP Permit Area would not include hazardous land uses, and the cumulative effect would not be substantial. Similarly, the discovery of previously unknown existing contamination tends to be an

isolated event. Although the disturbance of previous contamination may pose a risk to workers and the public, future development may also have some beneficial effect (the identification and clean-up of existing contamination). As with operational risks of hazardous materials, the significance of the existing contamination varies with time, and without a large overlap of hazardous activities, the risk is minimal.

Determination

The U.S. Fish and Wildlife Service (Service) evaluated the past and present effects related to public health hazards as summarized in Sections 16.1 and 16.2. Then the Service evaluated effects of the reasonably foreseeable other projects, as summarized in Section 16.3 and Chapter 3. Finally, the incremental effects of the proposed action, as described in Section 16.3, were added to those other effects. The Service concludes that the small incremental effects of the proposed permit action and HCP, when added to the effects of the past, present, and reasonably foreseeable future projects in the resource study area, do not meet the identified thresholds of significance (PH-1 through PH-6), and are not considered significant.

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CHAPTER 17.0
RECREATION

This chapter describes the existing conditions pertaining to parks, open space, and other recreational resources; discusses applicable regulatory framework related to federal, state, and local regulations associated with protecting these resources; and evaluates the potential environmental consequences that could result from each alternative discussed in Chapter 2.

Public and agency comments received during early public scoping and incorporated by reference into this analysis (see Sections 1.3, Public and Agency Involvement, and 1.4, Relationship of EA to Other Environmental Documents) included concerns regarding impacts on recreational resources within the City of Farmersville and City of Visalia, as well as potential impacts to Sequoia and Kings Canyon National Parks and impacts to Sentinel Butte Valley (also referred to as the Antelope Valley). The HCP Permit Area does not pass through the City of Farmersville, and thus early concerns about recreational resources within this jurisdiction are not applicable to the Service's proposed action.

17.1 AFFECTED ENVIRONMENT

This chapter describes the existing conditions of the recreational resources located in the resource study area, including recreational resources that could be affected by the proposed action. For purposes of this analysis, the resource study area for purposes of direct effects comprises the HCP Permit Area plus a 1-mile radius. The area of indirect effects extends to the Electrical Service Needs Area within Tulare County, which includes the City of Exeter, City of Farmersville, City of Woodlake, City of Visalia, and City of Tulare.

Although Sequoia and Kings Canyon National Parks and Sentinel Butte Valley are outside of the 1-mile radius for the direct effects analysis, they are included in this analysis based on the number of comments raised during the early public scoping (CPUC 2008, 2010) (see Figure 17-1).

Tulare County Recreational Resources

Open space and recreation areas within Tulare County (County) offer residents and visitors recreational opportunities such as hiking, jogging, biking, picnicking, fishing, horseback riding, and sports facilities. In addition to nature reserves, campgrounds, and parks, there are several rivers and two lakes that provide recreational opportunities within the County—Lake Kaweah and Lake Success.

The County contains 460 acres of recreation areas, including 13 parks that are owned and operated by the County (see Figure 17-1, Existing Parks). The parks range from 3–160 acres in size. These parks include the following:

- Alpaugh Park
- Balch Park Campgrounds
- Bartlett Park
- Cutler Park
- Elk Bayou Park
- Kings River Nature Preserve
- Ledbetter Park
- Mooney Grove Park
- Pixley Park
- West Main Street Park
- Woodville Park
- Camp COYTAC
- Tulare County Museum
- Colonel Allensworth State Historic Park
- Mountain Home State Forest
- Lake Kaweah
- Lake Success.

Of the 13 County parks, Cutler Park is the only park located within 1 mile of the transmission alignment (see Figure 17-1). Cutler Park, a 50-acre property, is located approximately 0.78 mile east of the north–south alignment near the community of Ivanhoe, along the St. John's River. Cutler Park has picnic tables, a playground, and large valley oaks (*Quercus lobata*). Attendance is generally highest during the summer when there is flow in the river, as locals use the park for swimming, inner-tubing, and wading. According to the manager at the Tulare County Resources Management Agency, local middle schools, high schools, and colleges use the park for cross-country meets and setting up a track through the park (Pilegard pers. comm. 2008, as cited in CPUC 2009). Also, while the City of Visalia (City)-designated waterways and trails currently do not go through Cutler Park, the City has plans for such trails to traverse the park in the future (CPUC 2009).

In addition to County parks, the County also has extensive recreation and open space resources, including the Sequoia National Forest, Giant Sequoia National Monument, and Sequoia and Kings Canyon National Parks. The Sequoia National Forest lies within the southeastern portion of the County. The Sequoia and Kings Canyon National Parks lie within the northeastern portion of Tulare County, approximately 10 miles from the HCP Permit Area. The Giant Sequoia National Monument covers areas south of Sequoia and Kings Canyon National Parks. The Mountain Home State Forest, which consists of 4,807 acres of parkland, is located in Sequoia National Forest (Figure 17-1). Colonel Allensworth State Historic Park, which contains a museum and visitor center, is located 7 miles west of Earlimart on County Road J22. Although there are national and state parks within the County, none of the national or state parks are located within the resource study area (see Figure 17-1, Existing Parks). There are two federal recreational areas in Tulare

County—Lake Kaweah and Lake Success—which are operated by the U.S. Army Corps of Engineers (ACOE). Lake Success is located over 20 miles southeast from the HCP Permit Area. Lake Success offers recreational opportunities, including water-skiing, sailing, boating, and fishing. Lake Success also offers picnicking, playground facilities, hiking, and camping.

Stone Corral Ecological Reserve, located 0.68 mile north from the HCP Permit Area (Figure 17-1 and Figure 17-2), is owned by the California Department of Fish and Wildlife. Specifically, the Yettem Unit of the Stone Corral Ecological Reserve is located east of Yettem, on both sides of California 201, and the Sequoia Field Unit is located west of California 63 between Avenue 352 and Avenue 368. Recreation at Stone Corral Ecological Reserve includes wildlife viewing, hiking, and hunting for deer.

Other recreational resources in the County include portions of the Pacific Crest Trail, South Sierra Wilderness Area, Dome Land Wilderness Area, Golden Trout Wilderness Area, International Agri-Center, and the Tulare County Fairgrounds, none of which are located within the proposed HCP Permit Area (Figure 17-1).

The Lewis Ranch Stallion Station is located approximately 0.76 mile north from the east–west portion of the proposed HCP Permit Area, the Horse Corral Pack Station is located approximately 0.57 mile south from the east–west portion, and Sentinel Butte Valley is located approximately 1.3 miles south from the east–west portion of the HCP Permit Area (see Figure 17-2, Recreational Facilities).

City of Visalia

The City of Visalia organizes parks and open spaces in the following categories: mini-parks (less than 2 acres in size), neighborhood parks (2–10 acres), community parks (10–100 acres), regional parks (100+ acres), and linear spaces (varies) (City of Visalia 1989). The City's parks provide an array of recreation opportunities for Visalia residents and visitors, ranging from play equipment for toddlers and older children, to picnic areas and places to host parties, fields for baseball, soccer, and other sports. Parks and recreation are high priorities in the City and contribute greatly to the quality of life of the residents.

The north–south portion of the proposed HCP Permit Area is located within 1 mile of two City parks—St. John's Parkway and Mill Creek Park (Figure 17-1).

St. John's Parkway. St. John's Parkway is located approximately 0.5 mile west of the north–south portion of the HCP Permit Area, at the intersection of N. Ben Maddox Way and E. St. John's Parkway in Visalia.

Mill Creek Park. Mill Creek Park is located approximately 0.89 mile west of the north–south portion of the HCP Permit Area, at the intersection of N. Lovers Lane and Mill Creek Parkway

in Visalia. The park includes picnic tables, barbeques, multipurpose fields, a walking path, open play areas, and a soccer field.

17.2 IMPACT ANALYSIS REGULATORY FRAMEWORK

Federal and State Regulations

There are no federal or state regulations pertaining to potential impacts on recreational resources that would apply to the proposed action.

Local Regulations

The following local regulations pertaining to recreation would apply to the proposed action.

Tulare County General Plan

The Environmental Resource Management Element and Transportation and Circulation Element of the Tulare County General Plan (County of Tulare 2012) provide objectives, policies, and programs regarding recreation, including the following.

Environmental Resources Management Element

Policy ERM-1.10: **Appropriate Access for Recreation.** The County shall encourage appropriate access to resource-managed lands.

Goal ERM-5: To provide a parks, recreation, and open space system that serves the recreational needs of County residents and visitors, with special emphasis on recreation related to Environmental Resources Management.

Policy ERM-5.12: **Meet Changing Recreational Needs.** The County shall promote the continued and expanded use of national and State forests, parks, and other recreational areas to meet the recreational needs of County residents.

Policy ERM-5.15: **Open Space Preservation.** The County shall preserve natural open space resources through the concentration of development in existing communities, use of cluster development techniques, maintaining large lot sizes in agricultural areas, discouraging conversion of lands currently used for agricultural production, limiting development in areas constrained by natural hazards, and encouraging agricultural and ranching interests to maintain natural habitat in open space areas where the terrain or soil is not conducive to agricultural production.

Transportation and Circulation Element

Policy TC-5.8: **Multi-Use Trails.** The County shall encourage the development of multi-use corridors (such as hiking, equestrian, and mountain biking) in open space areas, along power line transmission corridors, utility easements, rivers, creeks, abandoned railways, and irrigation canals.

Tulare County Foothill Growth Management Plan

The following goals and policies identified in the Tulare County Foothill Growth Management Plan (FGMP) (County of Tulare 2012) would be applicable to the proposed action.

FGMP-4: To provide recreational and open space opportunities both for local residents and for the visiting public.

Tulare County Regional Bicycle Transportation Plan

Future Class II bike projects, running in an east–west direction north of the City of Ivanhoe, as depicted on Figure 13-2 of County of Tulare (2012), would run perpendicular to the proposed north–south HCP Permit Area. Class II bike routes consist of a striped lane for one-way bike travel on a street or highway. The Class II bike lanes are generally established along streets where there is a bicycle demand and where there are distinct needs that can be served by them (Tulare County Association of Governments 2010).

City of Visalia General Plan

The Conservation, Open Space, Recreation and Parks Element of the City of Visalia General Plan (1989) provides goals, objectives, policies, and programs regarding recreation, including the following.

Goal 2: Create and preserve an open space system in the Visalia planning area to meet a variety of needs.

Objective B: Create and preserve open space for outdoor recreation.

Policy 2.1.5: Develop open space corridors along selected community waterways, power transmission line right-of-ways, and abandoned railroad right-of-ways to serve as links between park and recreation facilities.

Goal 3: Develop a high quality public park system which provides adequate space and facilities for varied recreational opportunities which are conveniently accessible to all Visalia residents.

Objective 3.3: Maximize opportunity for joint use of public land and facilities such as schools, stormwater ponding basins, and other recreation areas under public jurisdiction suitable for recreation.

Policy 3.3.1: Encourage cooperative agreements with the City and the Kaweah Water Conservation District, levee, districts, irrigation companies, school district, College of the Sequoias, Southern California Edison Company and other public agencies and utilities to explore innovative recreation and open space facilities throughout the Visalia planning area.

Goal 5: Structure an implementation program for achieving the policies of this Element through a combination of public and private funds, regulatory processes, and innovative strategies.

Objective E: Utilize ordinances, easements, restrictive covenants, and other tools to negotiate with landowners and developers to ensure that significant natural resources and open space are protected during development.

Policy 5.2.4: Explore the use of conservation easements, established through the California Conservation Easement Act of 1979. A conservation easement is similar to an open space easement, except that it can be granted to a private organization or individual instead of a local government.

The Conservation Easement Act established the basis for legal enforcement of a negative or restrictive easement between two private parties. The City retains the responsibility for final approval of the easement and accepts reduced tax revenue reflecting the conservation value of the property.

City of Visalia Bicycle Lanes

A future shared-use path (Class I), as depicted on Figure 2-2 of the City of Visalia's Bikeway Plan would parallel the proposed north–south transmission alignment. In Tulare County, Class II bike lanes provide a striped lane for one-way bike travel on a street or highway. In the City of Visalia, Class I bike paths provide a separate ROW for the exclusive use of bicycles and pedestrians with minimal cross-flow by motorists (Quad Knopf 2011). As stated in the City of Visalia's Bikeway Plan (Quad Knopf 2011), bike paths are typically located within open space along creeks, vacant rail corridors, high-voltage power line corridors, or within neighborhoods or city-parks.

17.3 ENVIRONMENTAL CONSEQUENCES

17.3.1 Methodology for Impact Analysis

For all alternatives presented in Chapter 2, changes to recreation opportunities/ areas were estimated by comparing (using geographic information systems (GIS) data) the footprint of the proposed HCP Permit Area with areas containing important recreational resources (Figure 17-1 and Figure 17-2). The existing parks and recreational facilities were plotted onto Figure 17-1 and Figure 17-2, respectively, and distances were measured from each of the existing parks and recreational facilities to determine whether direct effects would occur if located within 1 mile of the HCP Permit Area. Parks and recreational facilities outside of the 1-mile buffer of the HCP Permit Area were also considered to determine any indirect effects. Additionally, indirect effects of the HCP Permit Area considered the Electrical Needs Area of the region (Figure 17-3).

The analysis of the proposed action builds upon the No Action Alternative analysis by comparing the expected plan area with the existing parks and existing recreational facilities as shown on Figure 17-1 and Figure 17-2.

Identifying the Threshold of Significance

For the purposes of this EA, an alternative would have a significant impact on recreational resources if it would:

- Adversely affects operation of existing recreational areas
- Prevent or preclude creation of a planned local or regional park
- Adversely and permanently affect existing recreational opportunities.

17.3.2 No Action Alternative

Direct and Indirect Effects

Under the No Action Alternative (i.e., the future condition without the proposed HCP permit), existing parks and open space operated by federal, state, regional, and local agencies would not change, and the parks and open space would continue to be available to recreational users as under existing conditions (see Section 17.2). Existing park lands would continue to be used for public recreation purposes, and County parks would continue to undertake site-by-site master planning and development projects. However, under the No Action Alternative, no transmission lines would be constructed which may result in more frequent electrical shortages and power outages (such as rolling black outs) that could affect operation of parks and open space areas. Additionally, a number of parks and recreational facilities in the Tulare County Electrical Needs Area may be indirectly affected in the event of potential power outages (refer to Figure 1-2, Figure 17-1, and Figure 17-2). Active recreational uses would be temporarily halted if

electricity (i.e., lights) is needed; however, the power outage would be intermittent and electricity would be restored. Passive recreational uses such as biking, walking, and hiking would still be accessible to people even in the event of a power outage.

Under the No Action Alternative (i.e., the future condition without the proposed HCP permit), the Cross Valley Transmission Line will not be constructed, and the existing risk of a voltage collapse area and risk of extended outages of electrical power within the Electrical Needs Area, including the Cities of Tulare, Visalia, Farmersville, Exeter, Woodlake, and the surrounding areas of Tulare County will increase over time, as new urban growth and development continues with build-out of the Tulare County General Plan 2030 (County of Tulare 2012). New urban growth and development within the resource study area would continue to occur (County of Tulare 2012), and this new housing and urban development can be expected to result in additional need for expanded and additional parks and recreational amenities within the resource study area.

Development of new or expanded parks and recreational facilities over the next 20–25-year period would be consistent with current local plans and policies (County of Tulare 2012; City of Visalia 1989).

Recreation-related impacts associated with individual future development projects would be addressed by the California Environmental Quality Act (CEQA) on a case-by-case basis. Individual development projects would potentially provide mitigation for any impact to recreation, including land dedication for recreational purposes or payment of in-lieu fees for park development.

Infrastructure development projects such as roadway improvements and water and sewer pipeline improvements likely under the future condition without the proposed HCP permit may result in temporary traffic-lane closures, but would not interrupt availability of park and recreational opportunities and amenities to recreational users upon completion of construction of the transmission alignment (County of Tulare 2012).

The existing parks and recreational facilities in Tulare County and the City of Visalia have contributed to providing diverse recreational opportunities to residents and visitors in the resource study area and surrounding areas. The parks and recreational facilities are managed for passive and active recreational uses such as hiking, jogging, biking, picnicking, and camping.

Determination

Under the No Action Alternative, the proposed HCP and permit, including the HCP Covered Activities, would not be implemented, and no temporary lane and/or bike closures would be required. Intermittent black outs could occur as population growth and development occurs and no transmission lines are proposed, temporarily causing active recreation that requires electricity

to stop; however, the power outages would only be temporary and electricity would be restored. Therefore, recreational opportunities would not be adversely or significantly affected by development of the Cross Valley HCP area.

17.3.3 Proposed Action Alternative

Direct and Indirect Effects

Impact REC-1: Adversely affect operation of existing recreational areas.

The proposed HCP Permit Area is located near several park and recreation facilities in Tulare County and the City of Visalia. As discussed in Section 17.1, there are six existing park and recreation facilities within one mile of the proposed HCP Permit Area (see Figure 17-1 and Figure 17-2). Additionally, Stone Corral Ecological Reserve is located 0.68 miles north from the HCP Permit Area. Automobile traffic-lane temporary closures could occur within or near the HCP Permit Area, near the above mentioned parks, recreational facilities, and ecological reserve during implementation of construction Covered -Activities. Each closure would be temporary lasting from a few days to 2 weeks. During the approximate 1-year construction period, lane closures could occur at roadways in the vicinity of the HCP Permit Area. SCE would provide road detours so that vehicle movement would not be significantly impacted when lanes are temporarily closed. The Traffic Control Plan would also ensure implementation of construction or operation and maintenance Covered Activities over the proposed 30-year permit term as well as access roads, laydown areas, and construction staging areas would not adversely affect the operation of existing parks and recreational facilities. SCE's compliance with the Environmental Commitments in Chapter 12, Transportation and Circulation, with regard to temporary lane closures, would minimize impacts on existing parks and recreation facilities.

Implementation of the transmission alignment over the HCP Permit's 30-year term would better serve the electrical supply/security for those within the Electrical Needs Area (Figure 1-2) and fewer power outages are expected to occur. Thus, implementation of the construction, operation, and maintenance over the HCP Permit's 30-year term would not adversely impact existing recreational areas in the Electrical Needs Area.

Because any road or traffic lane closures would be temporary, the road closures during implementation of construction or O&M Covered Activities would not adversely affect the operation of existing parks and recreational facilities. Additionally, during the implementation of the HCP O&M Covered Activities over the proposed 30-year permit term, the access roads, laydown areas, and construction staging areas used to implement the Class 2 O&M Covered Activities would be located away from the existing park and recreational areas. Therefore, no prolonged traffic lane closures or road detours along the roads where these parks and recreational

facilities are located are expected. Therefore, this level of effect would not be considered a significant adverse effect.

Impact REC-2: Prevent or preclude creation of a planned local or regional park.

As stated in the *Tulare County General Plan 2030 Update: 2010 Background Report*, the Tulare County Parks and Recreation Division is not currently proposing any new parks beyond those identified in the General Plan due to budget restrictions for operation of the facilities (County of Tulare 2010b); therefore, implementation of the construction Covered Activities within the HCP Permit Area in 2013 and 2014 is not expected to conflict with planned regional parks.

Based on the above discussion, the permitting and implementation of the proposed HCP would result in very minor affects to automobiles accessing existing recreation areas during the one-year construction period, and the proposed O&M Covered Activities would almost have minimal effects on access to recreation areas over the 30-year permit term. In the event temporary lane closures are needed during operation and maintenance activities, compliance with the Traffic Control Plan as outlined in Chapter 12, Traffic and Circulation would be required.

Future planned local and regional parks in Tulare County in the Electrical Needs Area is not expected to affect future operation of parks over the HCP Permit's 30-year term as the intent for the transmission line is to better serve the electrical supply/security for those within the Electrical Needs Area (Figure 17-3).

Therefore, the implementation of the proposed HCP would not be a significant adverse impact to planned local and regional parks in the resource study area. In the event temporary lane closures is needed during future operation and maintenance activities, implementation of a Traffic Control Plan outlined in Chapter 12, Transportation and Circulation would be required.

As discussed in Section 17.3.3, increases in demand for parks and recreational facilities are typically associated with substantial increases in population. As discussed in Section 17.3.3, population growth and an corresponding increase the use of existing neighborhood and regional parks and other recreational activities requiring additional recreational resources is expected to occur regardless even if the Cross Valley Line is never built, and the HCP is not implemented. Future development projects in Tulare County or the City of Visalia could increase the demand on existing and/or result in the need for new recreational facilities within and surrounding the resource study area by significantly increasing the population near the resource study area. These proposed projects include the Yokohl Ranch Project and Tentative Subdivision Map 805, as well as numerous subdivisions and planned developments approved for construction. Tentative Subdivision Map 805 is located near the proposed HCP Permit Area and could increase human population and potentially trigger need for additional recreational

resources demands; however, the subdivision project proposes 46 residential lots, which is not a substantial increase in population growth.

The HCP area's construction activities would be temporary, lasting approximately 1 year, and would not result in additional construction workers that would trigger the need for housing because construction workers would come from the local area. Since the proposed HCP Permit area would have no incremental demand on existing parks and recreational facilities once the HCP construction Covered Activities are complete, the proposed HCP would not contribute to the cumulative demand for recreation from the other planned development projects.

The north–south portion of the HCP Permit Area would traverse through a planned future community park, located northeast of the State Route 198 (SR-198) and Road 148 planned interchange (see No. 111 in Figure 3-1, Cumulative Projects). The future community park would include an approximately 180-acre regional park with 90 acres reserved for water recharge basins. The site is planned to be developed into an integrated park, recharge, and stormwater layoff facility. Since construction of the future community park is not expected to begin until 2018, it is anticipated that the proposed construction Covered Activities would be completed prior to the construction of the community park.

Additionally, SCE would execute a ROW agreement (primarily easement agreements, grant deeds, franchise, and temporary entry permits) with the private land owners in order to access SCE facilities and to construct the new transmission line.

Although there would be direct effects on portions of the future community park (see No. 111 in Figure 3-1, Cumulative Projects) where an approximately 75-foot-wide swath of land may not be used for active recreation (e.g., baseball fields), passive recreational activities (e.g., biking, walking paths) would be allowed within the easement when operation and maintenance activities are not occurring. The proposed park would still be permitted and constructed, but different uses may have to be planned within the 75-foot-wide swath where the proposed Cross Valley Line would be located. The proposed access road, laydown area, and staging area construction Covered Activities were each designed to avoid the future community park site. As such, the construction Covered Activities within the HCP Permit Area would not adversely affect the future community park.

There could be temporary bike lane closures during implementation of the proposed construction, operation, and maintenance Covered Activities within the HCP Permit Area, lasting only during implantation of the activities, and bike detours would be implemented where feasible (refer to Chapter 12, Transportation and Circulation, for future details on temporary bike lane closures). Compliance with the Environmental Commitments in Chapter 12, Transportation and Circulation, with regards to temporary bike lane closures would minimize impacts on recreation.

Therefore, implementation of construction or O&M Covered Activities within the HCP Permit Area would not adversely affect future proposed bike recreation.

Impact REC-3: Adversely and permanently affect existing recreational opportunities.

The construction, operation, and maintenance Covered Activities within the HCP Permit Area could result in temporary bike lane and sidewalk closures causing detours for pedestrians and bikers where feasible. Bike lane and sidewalk closures would not be permanent and would be accessible once construction, operation, and maintenance Covered Activities are completed. In the event temporary lane closures are needed during construction, operation and maintenance activities, compliance with the Traffic Control Plan as outlined in Chapter 12, Traffic and Circulation would be required.

Other recreational activities such as hiking, playing sports, and horseback riding would not be adversely impacted as recreational facilities and parks would remain open during construction, operation, and maintenance activities. Constructing the transmission line would better serve the electrical supply and service to the Electrical Needs Area of the region and reduce the power outages to recreational facilities.

In the event temporary bike and sidewalk closure is needed during construction, operation and maintenance activities, implementation of a Traffic Control Plan outlined in Chapter 12, Transportation and Circulation**,** would be required. Compliance with the Environmental Commitments in Chapter 12, Transportation and Circulation, with regards to temporary bike lane and sidewalk closures would minimize impacts on recreation. Therefore, implementation construction, operation, and maintenance Covered Activities within the HCP Permit Area would not result in an adverse or permanent impact to existing recreational opportunities in the resource study area.

Determination

Under the proposed HCP/permit action, parks and recreational opportunities would still be accessible during short-term construction activities. Therefore, the Proposed HCP/Permit action would not adversely affect the operation of existing recreation areas, and would not prevent any planned local or regional parks and recreation would not be significantly affected by construction within the HCP area and therefore, would not be considered a significant adverse effect.

Cumulative Effects of the Proposed Action

The Service evaluated the past and present effects on recreation resources as summarized in Section 17.2. Then the Service evaluated effects of the reasonably foreseeable other projects, as summarized in Section 17.3 and Chapter 3. Finally, the Service added the incremental effects of the proposed action, as described in Section 17.3, to those other effects. The Service concludes that the small incremental effects of the proposed permit action and HCP, when added to the

effects of the past, present, and reasonably foreseeable future projects on the recreational resources in the resource study area do not meet the identified thresholds of significance (Impacts REC-1 through REC-3) and are not considered significant or adverse.

17.4 REFERENCES CITED

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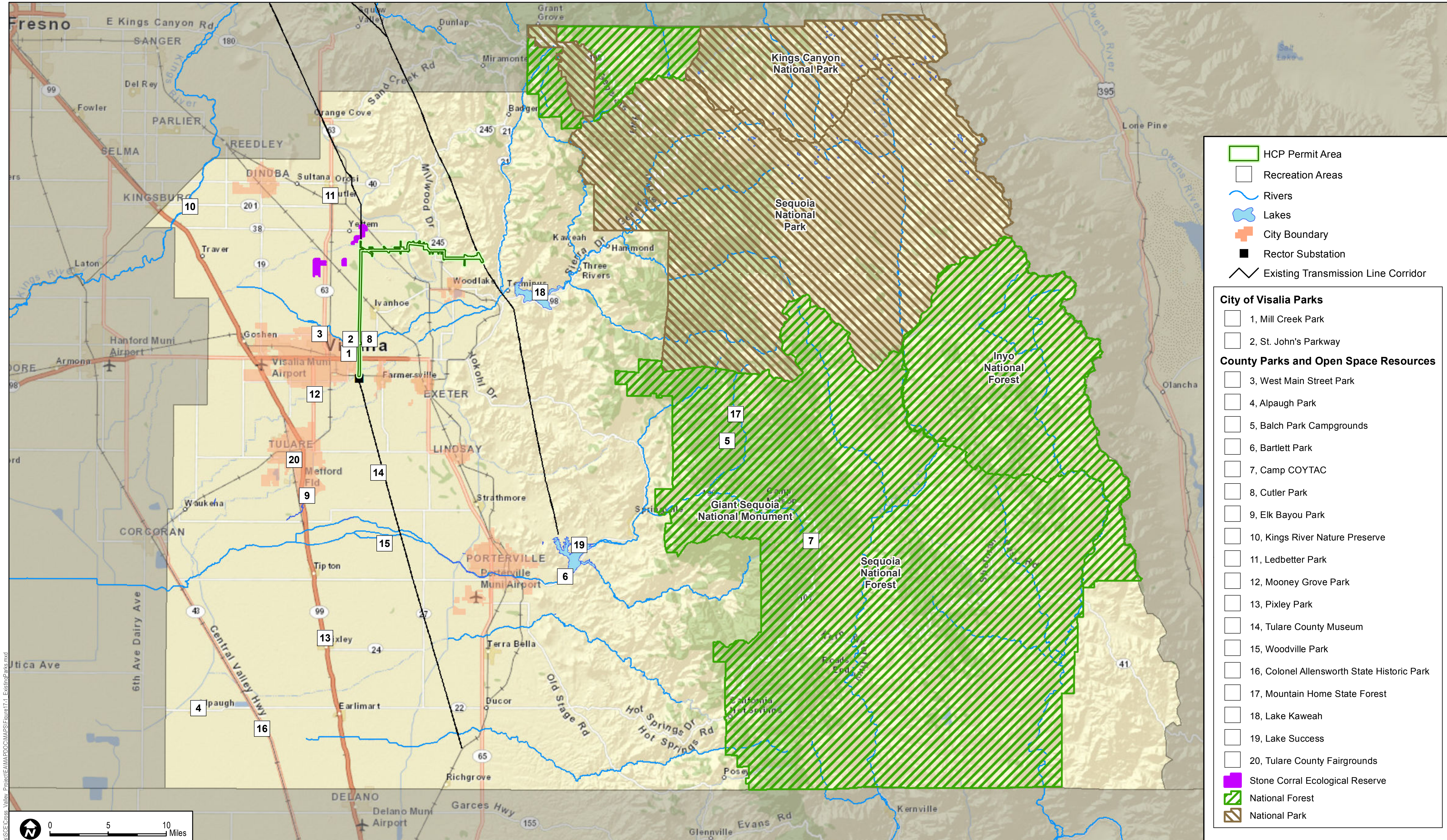

SOURCE: SCE 2013, Tulare County 2010 and Tulare County 2012, CDFG 2010, ESRI Online

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FIGURE 17-1

Existing Parks

CROSS VALLEY TRANSMISSION LINE HABITAT CONSERVATION PLAN ENVIRONMENTAL ASSESSMENT

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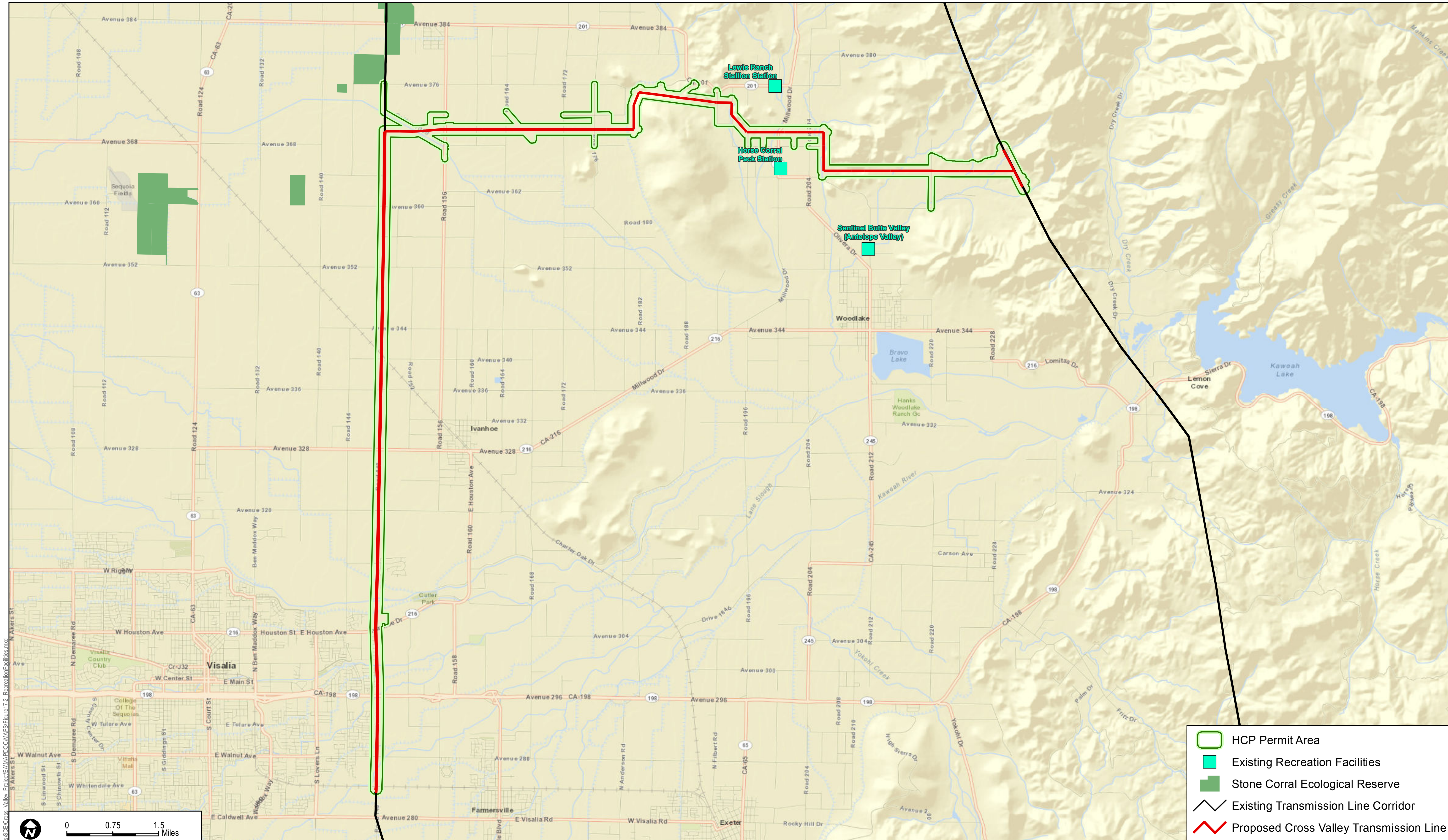

SOURCE: SCE 2013, CDFG 2010, ESRI Online

FIGURE 17-2

Recreational Facilities

EA

CROSS VALLEY TRANSMISSION LINE HABITAT CONSERVATION PLAN ENVIRONMENTAL ASSESSMENT

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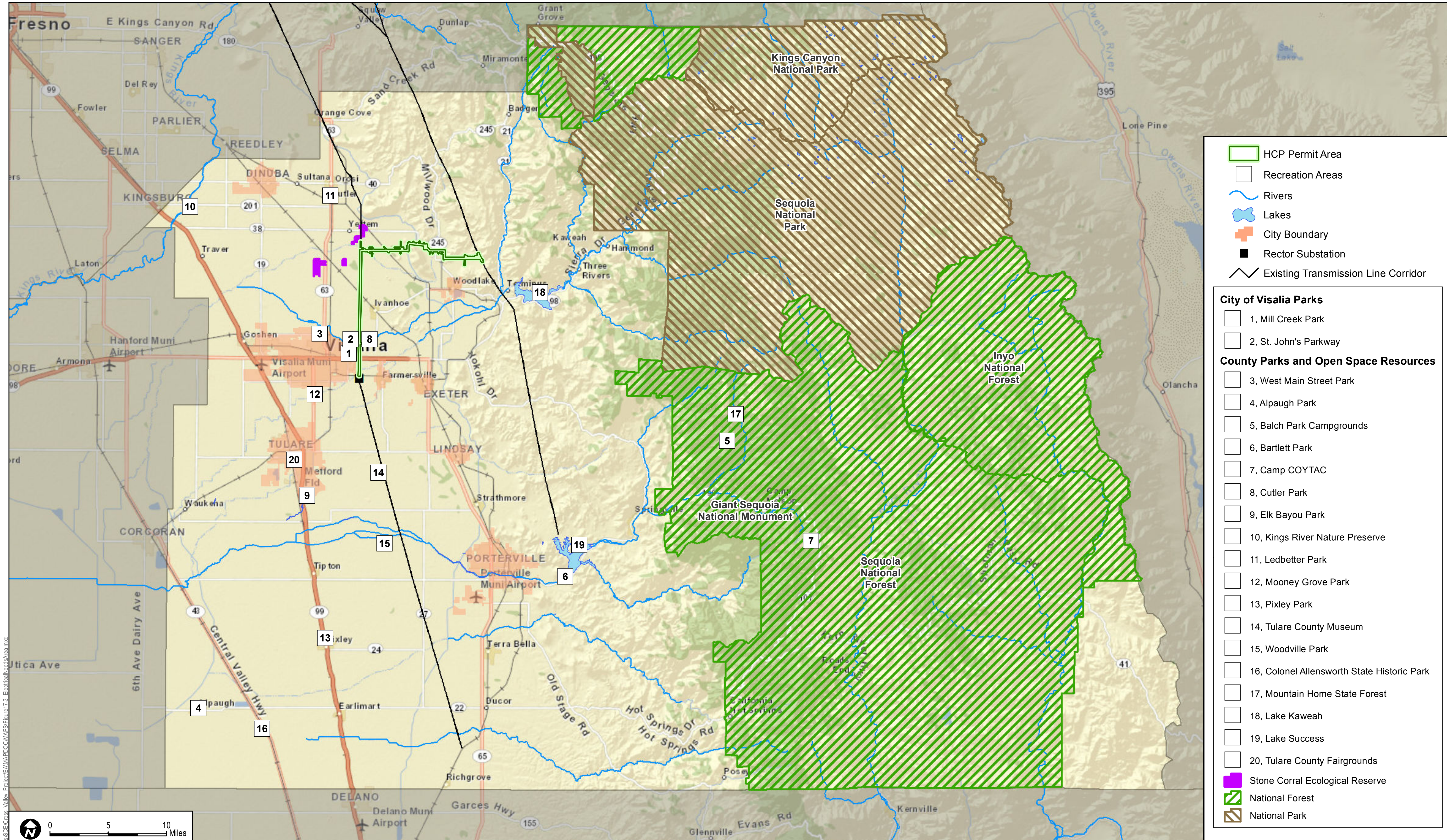

SOURCE: SCE 2013, Tulare County 2010 and Tulare County 2012, CDFG 2010, ESRI Online

FIGURE 17-3

Parks in the Electrical Needs Area

EA

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CHAPTER 18.0
ENVIRONMENTAL JUSTICE

This chapter describes the existing conditions pertaining to environmental justice and discusses applicable regulatory framework related to federal, state, and local regulations, and evaluates the potential environmental consequences that could result from implementation of the proposed action.

No specific comments pertaining to environmental justice were received during the course of the environmental review process for this project.

18.1 AFFECTED ENVIRONMENT

Data were not readily available for each census tract the proposed transmission line would pass through, so U.S. Census Bureau and State Department of Finance data for Tulare County and the City of Visalia were used to determine population and income characteristics pertinent to the environmental justice analysis contained herein. The proposed transmission line would not cross any tribal lands.

Tulare County

According to U.S. Census Bureau, the total population of Tulare County in 2012 was estimated to be 451,977. This has increased from a population of 368,021 as reported by the 2000 U.S. Census, which represents growth of nearly 23% since 2000. White persons composed the largest racial group, at an estimated 88.5% of the population. The remaining portion of the population (in order of descending proportions) was Asian, American Indian, multiracial, black or African American, and Native Hawaiian/Pacific Islander. Of these racial groups, 61.3% identified themselves as Hispanic or Latino. Persons identified as "white persons not Hispanic" composed the next largest group at 32%. In 2012 it was estimated that 32.3% of the population was under 18 years of age, while 9.6% was over 65 years of age.

According to the 2010 U.S. Census, the per capita income for Tulare County is $17,988. The percentage of persons below the poverty threshold in Tulare County is 23.8%.

City of Visalia

According to U.S. Census Bureau, the total population of Visalia in 2012 was estimated to be 127,081. This is up from a population of 91,565 as reported by the 2000 U.S. Census, which represents growth of nearly 39% since 2000. White persons composed the largest racial group, at an estimated 64.5% of the population. The remaining portion of the population (in order of descending proportions) was classified as Other Races, Asian, multiracial, American Indian, black or African American, and Native Hawaiian/Pacific Islander. Of these racial groups, 46%

identified themselves as Hispanic or Latino. In 2010 it was estimated that 30.1% of the population was under 18 years of age, while 10.3% was over 65 years of age.

According to the 2010 U.S. Census, the per capita income for Visalia is $23,571. The percentage of persons below the poverty threshold in Tulare County is 16.3%.

18.2 IMPACT ANALYSIS REGULATORY FRAMEWORK

Federal Regulations

Executive Order 12898

In 1994, in response to growing concern that minority and/or low-income populations bear a disproportionate amount of adverse health and environmental effects, President Clinton issued Executive Order 12898 on environmental justice, formally focusing federal agency attention on these issues. The executive order contains a general directive that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

The order authorized the creation of an Interagency Working Group on Environmental Justice, overseen by the U.S. Environmental Protection Agency (EPA), to implement the executive order's requirements. The Interagency Working Group includes representatives of a number of executive agencies and offices and has developed guidance for terms contained in the Executive Order. The EPA provides the following definitions:

> **Environmental Justice.** The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (EPA 2004, Section 2.2).
>
> **Fair Treatment.** No group of people, including a racial, ethnic, or a socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies (EPA 2004, Section 2.2).
>
> **Meaningful Involvement.** Potentially affected community residents have an appropriate opportunity to participate in:
>
> 1. Decisions about a proposed activity that will affect their environment and/or health.
> 2. The public's contribution can influence the regulatory agency's decision.

3. The concerns of all participants involved will be considered in the decision making process.
4. The decision makers seek out and facilitate the involvement of those potentially affected (EPA 2004, Section 2.2).

Disproportionately High and Adverse Effect. An adverse effect or impact that: (1) is predominately borne by any segment of the population, including, for example, a minority population and/or a low-income population; or (2) will be suffered by a minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect or impact that will be suffered by a non-minority population and/or non-low-income population (EPA 2004, Section 3.1).

Council on Environmental Quality: Environmental Justice—Guidance under the National Environmental Policy Act

While the EPA has lead responsibility for implementation of Executive Order 12898 as chair of the Interagency Working Group on Environmental Justice, the Council on Environmental Quality (CEQ) has oversight of the federal government's compliance with this executive order and the National Environmental Policy Act (NEPA). The CEQ, in consultation with the EPA and other agencies, has prepared guidance to assist federal agencies in NEPA compliance in its *Environmental Justice: Guidance under the National Environmental Policy Act* (CEQ Guidance) (CEQ 1997). The CEQ Guidance provides an overview of Executive Order 12898, summarizes its relationship to NEPA, recommends methods for the integration of environmental justice analysis into NEPA documents, and incorporates as an appendix the Interagency Working Group's definitions of key terms and concepts contained in the executive order.

Agencies are permitted to supplement the CEQ Guidance with their own, more specific guidance tailored to their programs or activities or departments, as permitted by law.

Neither the executive order nor the CEQ Guidance proscribes to a specific format for environmental justice assessments in the context of NEPA documents. However, the CEQ Guidance identifies the following six general principles intended to guide the integration of environmental justice assessment into NEPA compliance, and which are applicable to the proposed action (CEQ 1997):

- Agencies should consider the composition of the affected area to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by the proposed action and, if so, whether there may be disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, or Indian tribes.

- Agencies should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. For example, data may suggest there are disproportionately high and adverse human health or environmental effects on a minority population, low-income population, or Indian tribe from the agency action. Agencies should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.
- Agencies should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the agency's proposed action. These factors should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.
- Agencies should develop effective public participation strategies. Agencies should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.
- Agencies should assure meaningful community representation in the process. Agencies should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies also should be aware that community participation must occur as early as possible if it is to be meaningful.
- Agencies should seek tribal representation in the process in a manner that is consistent with the government-to-government relationship between the United States and tribal governments, the federal government's trust responsibility to federally-recognized tribes, and any treaty rights.

The CEQ Guidance states that the identification of a disproportionately high and adverse human health or environmental effect on a low-income or minority population does not preclude a proposed agency action from moving forward or compel a finding that a proposed project is environmentally unacceptable. Instead, the identification of such effects is expected to encourage agency consideration of alternatives, mitigation measures, and preferences expressed by the affected community or population.

State Regulations

California Public Resource Code, Sections 71110–71116

Environmental justice is defined by California state law as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

Section 71113 of the California Public Resource Code states that the mission of California Environmental Protection Agency (CalEPA) includes ensuring that it conducts any activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations of the state.

As part of its mission, CalEPA was required to develop a model environmental justice mission statement for its boards, departments, and offices. CalEPA was tasked to develop a Working Group on Environmental Justice to assist it in identifying any policy gaps or obstacles impeding the achievement of environmental justice. An advisory committee including representatives of numerous state agencies was established to assist the working group pursuant to the development of a CalEPA intra-agency strategy for addressing environmental justice. Sections 71110–71116 of the California Public Resources Code charge the CalEPA with the following responsibilities:

- Conduct programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Promote enforcement of all health and environmental statutes within CalEPA's jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- Improve research and data collection for programs within the agency relating to the health and environment of minority populations and low-income populations of the state.
- Coordinate efforts and share information with the EPA.
- Identify differential patterns of consumption of natural resources among people of different socio-economic classifications for programs within the agency.
- Consult with and review any information received from the Working Group on Environmental Justice pursuant to developing an agency-wide strategy for CalEPA.
- Develop a model environmental justice mission statement for CalEPA's boards, departments, and offices.

- Consult with, review, and evaluate any information received from the Working Group on Environmental Justice pursuant to the development of its model environmental justice mission statement.
- Develop an agency-wide strategy to identify and address any gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.
- Make recommendations on other matters needed to assist the agency in developing an intra-agency environmental justice strategy.

California Government Code, Sections 65040–65040.12

Sections 65040–65040.12 of the California Government Code identify the Governor's Office of Planning and Research (OPR) as the comprehensive state agency responsible for long-range planning and development. Among its responsibilities, OPR is tasked with serving as the coordinating agency in state government for environmental justice issues. Specifically, OPR is required to consult with CalEPA, the state Resources Agency, the Working Group on Environmental Justice, and other state agencies as appropriate, and share information with the CEQ, EPA, and other federal agencies as appropriate to ensure consistency.

CalEPA released its final Intra-Agency Environmental Justice Strategy in August 2004. The document set forth the agency's broad vision for integrating environmental justice into the programs, policies, and activities of its departments. It contains a series of goals, including the integration of environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

San Joaquin Valley Air Pollution Control District

The District Governing Board of the San Joaquin Valley Air Pollution Control District (SJVAPCD) adopted an environmental justice strategy on August 16, 2007, which was amended in 2010 and 2012. This policy serves as a roadmap to guide the SJVAPCD in integrating environmental justice principles and augmenting the steps already taken by the SJVAPCD in reaching out to the community and to address gaps in existing programs, policies, and activities that could have an effect on achieving environmental justice. This strategy defines the mission and goals to guide the SJVAPCD in further integrating environmental justice into program, policies, and activities (SJVAPCD 2012).

In 2010, the District Governing Board adopted the Environmental Justice Advisory Group Bylaws, which provide the procedural framework for this advisory group, which works to collaboratively educate the public and community stakeholders about current SJVAPCD activities and air quality in general, and reviews SJVAPCD programs and strategies within the context of the environmental justice strategy. The mission of this group is to advise the SJVAPCD on how to integrate environmental justice principles into all programs, policies, and activities.

Local Regulations

Housing Element

Under state law, a housing element is one of the seven required elements of a General Plan. The Tulare County General Plan Housing Element for the 2009–2014 planning period, adopted by the Board of Supervisors on May 8, 2012, provides a comprehensive assessment of current and future housing needs for all segments of the County's population living in unincorporated areas, as well as a program for meeting those needs during the planning period and beyond.

The purpose of the Tulare County General Plan Housing Element is to:

- Determine the existing and projected housing needs of residents of the unincorporated areas
- Establish goals, objectives, policies, and programs that guide decision-making to address housing needs
- Implement actions that encourage the private sector to build housing, while ensuring that governmental policies do not serve as a constraint to housing production.

In addition to the Housing Element, the following elements of the *Tulare County General Plan 2030 Update* (County of Tulare 2012) provide objectives, policies, and programs that pertain to environmental justice, including the following:

Economic Development Element

Policy ED-2.4: **Job Quality – Diversify Jobs.** The County shall focus its business expansion and industry attraction efforts on companies and institutions that bring quality jobs to the County and provide benefits and self-sufficiency wages for County residents.

Policy ED-4.1: **Workforce Skills Development.** The County shall develop programs and work with other agencies and organizations to support efforts that improve the skills of the County's workforce, which is needed to meet the requirements of new and expanding businesses.

Policy ED-4.2: **Workforce Education.** The County shall work with school districts to prepare students for the Twenty First Century global economy. For example, school districts in the County should be encouraged to adopt the School-to-Work program as a model for K-12 education and focus on the requirements of those industries targeted for future growth.

Policy ED-4.4: **Workforce Programs.** The County shall support programs that prepare the hard-to-serve unemployed for job readiness.

Policy ED-6.4: **Culturally Diverse Businesses.** The County shall promote and support the expansion of culturally diverse businesses in community core areas through the use of Small Business Administration (SBA), Community Development Block Grant (CDBG), and Redevelopment Funds.

Environmental Resources Management Element

Policy ERM-5.10: **Recreational Facilities for Special Use Groups.** The County should encourage the provision of recreation facilities and activities for special use groups such as physically disabled, mentally handicapped, and senior citizens.

Health and Safety Element

Policy HS-1.10: **Emergency Services near Assisted Living Housing.** In approving new facilities, such as nursing homes, housing for the elderly and other housing for the mentally and physically infirm, to the extent possible, the County shall ensure that such facilities are located within reasonable distance of fire and law enforcement stations.

Transportation and Circulation Element

Policy TC-4.1: **Transportation Programs.** The County shall support the continued coordination of transportation programs provided by social service agencies, particularly those serving elderly and/or handicapped.

18.3 ENVIRONMENTAL CONSEQUENCES

18.3.1 Methodology for Impact Analysis

The following methodology and assessment addresses the potential for the project to cause disproportionately high and adverse human health and environmental effects on minority and/or low-income populations. It is provided in compliance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, and in accordance with the CEQ Guidance (CEQ 1997), which are both described in Section 18.2, Impact Analysis Regulatory Framework.

The CEQ Guidance defines minority persons as "individuals who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black (not of Hispanic origin); or Hispanic" (CEQ 1997, p. 25). Hispanic or Latino refers to an ethnicity whereas American Indian, Alaskan Native, Asian, Pacific Islander, and black or African American (as well as white or European American) refer to racial categories; thus, for census purposes, individuals classify themselves into racial categories as well as ethnic categories, where ethnic categories

include Hispanic or Latino and non-Hispanic or Latino. The U.S. Census 2000 allowed individuals to choose more than one race. For this analysis, consistent with guidance from CEQ (1997), "minority" refers to people who are Hispanic or Latino of any race, as well as those who are non-Hispanic or Latino of a race other than white or European American.

The same CEQ Guidance suggests low-income populations be identified using the national poverty thresholds from the U.S. Census Bureau; guidance from the EPA (1998, 1999) also suggests using other regional low-income definitions as appropriate. To establish context for this environmental justice analysis, race and ethnicity (i.e., minority) and income characteristics of the population residing in the vicinity of the project were reviewed. The review concluded that minority or low-income populations are present in the project vicinity. If the percentage of population below the poverty line in the resource study area is more than the county's percentage, the population was considered low income.

For this assessment, the area of potential effect was determined in accordance the CEQ Guidance for identifying the affected community, which requires consideration of the nature of likely project impacts and identification of a corresponding unit of geographic analysis. The area of potential effect for purposes of environmental justice corresponds to the areas of effect associated with the specific environmental issues analyzed in this Environmental Assessment (EA). Areas of potential effect differ somewhat for each environmental issue. The affected community for the analysis of environmental justice corresponds to the Habitat Conservation Plan (HCP) Permit Area, which is represented by a 1,000-foot-wide corridor centered on the proposed transmission line, which runs through the City of Visalia and unincorporated Tulare County (Figure 18-1). Since data for each census tract intersecting the study corridor was not readily available, data for Tulare County and the City of Visalia were used as representative of the communities through which the transmission line passes. The community of Farmerville, also in Tulare County, was used as a reference community. A reference community is used to determine whether a disproportionately high and adverse human health or environmental impact would be borne by minority and/or low-income populations in the affected community when compared to the general population in and around the proposed action.

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Chapters 4–17. If the EA identified impacts considered significant and adverse, an evaluation was conducted to determine if these impacts would result in disproportionately high and adverse effects on minority populations or low-income populations for the affected community.

Federal guidance provided by CEQ has been utilized as the basis for determining whether the action would result in environmental justice effects. CEQ oversees the federal government's compliance with Executive Order 12898 and NEPA and has published the CEQ Guidance (CEQ

1997), as described in Section 18.2. The CEQ Guidance identifies three factors to be considered to the extent practicable when determining whether environmental effects are disproportionately high and adverse (CEQ 1997, pp. 26–27):

- Whether there is or would be an impact on the natural or physical environment that significantly and adversely affects a minority population, or low-income population. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low income communities, or Indian tribes when those impacts are interrelated to impacts on the natural or physical environment.
- Whether the environmental effects are significant and are or may be having an adverse impact on minority populations, or low-income populations, that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group.
- Whether the environmental effects occur or would occur in a minority population or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

Findings for project-level impacts were reviewed to determine which impacts would be significant and would, therefore, require environmental justice analysis.

For any impacts classified as less than significant or as no impact, no additional evaluation is needed because those impacts would not result in disproportionate effects on minority and low-income populations (CEQ 1997, p. 14). The analysis in this EA has determined that no significant impacts would result from the proposed project, so no further environmental justice analysis is necessary for this project.

Identifying the Threshold of Significance

For the purposes of this EA, an alternative would have a significant impact if it would:

- Result in a disproportionately high and adverse environmental effect on minority populations, low-income populations, and Indian tribes.

18.3.2 No Action Alternative

Direct and Indirect Effects

Under the No Action Alternative, no changes would occur in the present condition and there would be no effect on minority or low-income populations within or adjacent to the HCP Permit Area. Under the No Action Alternative (i.e., the future condition without the proposed HCP permit), the Cross Valley Transmission Line would not be constructed, and the existing risk

of a voltage collapse area and risk of extended outages of electrical power within the Electrical Needs Area including the Cities of Tulare, Visalia, Hanford, Farmersville, Exeter, Woodlake, and the surrounding areas of Tulare and Kings Counties would increase over time, as new urban growth and development continues with buildout of the *Tulare County General Plan 2030 Update* (County of Tulare 2012). New urban growth and development within the resource study area would continue to occur (County of Tulare 2012).

Determination of Significance

Since no changes would occur to the existing condition, the No Action Alternative would result in no significant adverse effects to minority or low-income populations within or adjacent to the study corridor.

18.3.3 Proposed Action Alternative

As discussed in Section 18.3.1, for the purposes of this EA, an action would result in a significant effect if it would create a disproportionately high and adverse environmental effect on minority or low-income populations.

Direct and Indirect Effects

Impact EJ-1: Result in a disproportionately high and adverse environmental effect on minority populations, low-income populations, and Indian tribes.

The methodology for conducting the impact analysis for environmental justice included reviewing impact conclusions for each of the resources in Chapters 4–17. No significant and adverse effects were identified by any of the impact conclusions in this EA. In accordance with CEQ guidance (1997), since no significant and adverse effects were identified by the analysis conducted for other resource topics, no disproportionately high and adverse effects on minority or low-income populations would occur as a result of any significant and adverse effects resulting from the proposed action.

Determination

The U.S. Fish and Wildlife Service (Service) evaluated the past and present effects on recreation resources as summarized in Sections 18.1 and 18.2. Then the Service evaluated effects of the reasonably foreseeable other projects, as summarized in Section 18.3, Environmental Consequences, and Chapter 3, Introduction to the Resource Chapters and the Effects Analysis. Finally, the Service added the incremental effects of the proposed action, as described in Section 18.3, to those other effects. The Service concludes that the small incremental effects of the proposed action and HCP, when added to the effects of the past,

present, and reasonably foreseeable future projects to minority groups, low-income groups, and tribes in the resource study area, do not meet the identified thresholds of significance and are not considered significant or adverse.

Cumulative Effects of the Proposed Action

No significant and adverse effects were identified for the cumulative condition for any other resource areas analyzed by this EA. Therefore, no disproportionately high and adverse effects on minority or low-income populations would occur as a result of the proposed action combined with other past, present, and reasonably foreseeable future actions.

18.4 REFERENCES CITED

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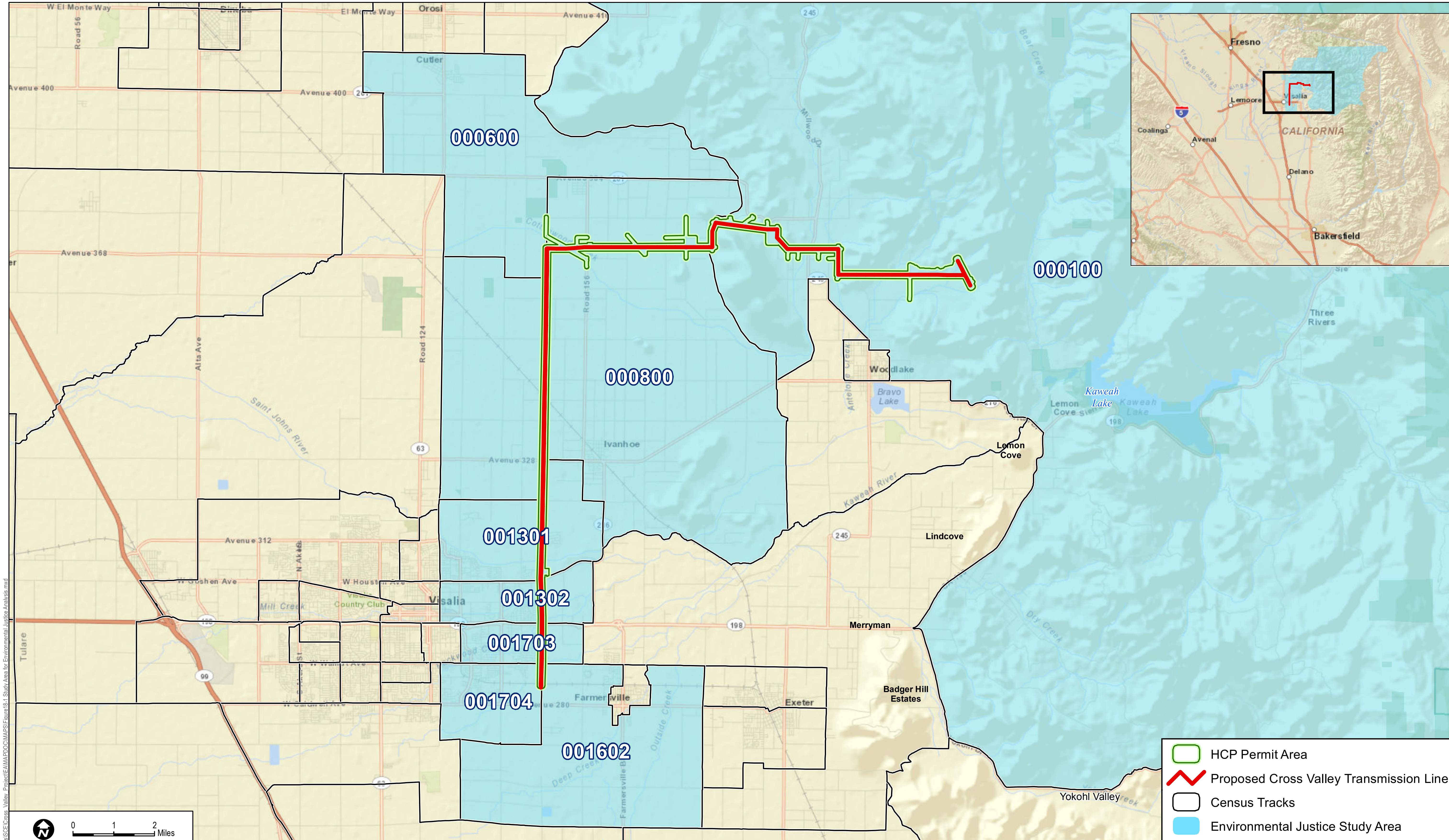

SOURCE: SCE 2013, US Census 2010, ESRI Online

EA

FIGURE 18-1

Study Area for Environmental Justice Analysis

CROSS VALLEY TRANSMISSION LINE HABITAT CONSERVATION PLAN ENVIRONMENTAL ASSESSMENT

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CHAPTER 19.0
OTHER REQUIRED ANALYSIS

This chapter addresses required National Environmental Policy Act (NEPA) analyses beyond those addressed in Chapters 4–18: identification of unavoidable adverse effects, a discussion of potential irreversible and irretrievable commitments of resources, short-term uses versus long-term productivity, and identification of the environmentally preferable alternative.

19.1 UNAVOIDABLE ADVERSE EFFECTS

Based on the analysis in Chapters 4–18, implementation of the proposed action would not result in any significant unavoidable adverse impacts on the human environment.

19.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Implementation of the proposed action would result in a minor irreversible commitment of construction materials and energy expended during construction of the Cross Valley Transmission Line and for habitat restoration and creation activities.

19.3 SHORT-TERM USES VERSUS LONG-TERM PRODUCTIVITY

Short-term impacts of the alternatives are associated with habitat restoration and creation activities, and were described in Chapters 4–18. Specific resources that could be affected by restoration and creation activities include biological resources, hydrology and water quality, hazardous materials, cultural resources, transportation, and noise.

The action alternative would not detract from long-term environmental productivity.

Although some activities from the Habitat Conservation Plan (HCP) would result in some temporary and permanent loss of habitat, as well as incidental take of some sensitive species, these activities would be undertaken in accordance with a comprehensive mechanism to avoid, minimize, and mitigate for impacts to Covered Species and Natural Communities.

19.4 ENVIRONMENTALLY PREFERABLE ALTERNATIVE

NEPA requires identification of an environmentally preferable alternative (40 CFR 1505.2[b]). The environmentally preferable alternative is the alternative that would result in the least damage to the environment. Although the No Action Alternative would result in current HCP Permit Area conditions continuing with no effects associated with the proposed action, it would not meet the purpose or need for the proposed action. Other alternatives that were considered but eliminated from further consideration, including alternative alignments, would likely have similar or greater effects than the proposed action or are not feasible. Based on these considerations, the environmentally preferable alternative is the proposed action.

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CHAPTER 20
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20.2 SOUTHERN CALIFORNIA EDISON

Personnel by Name and Title	Education	Years of Experience	Issue Area
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Personnel by Name and Title	Education	Years of Experience	Issue Area
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